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## SCRAPS OF PAPER





# SCRAPS OF PAPER

INDIA'S BROKEN TREATIES, HER  
PRINCES, AND THE PROBLEM

*by*

A. P. NICHOLSON

*Author of "The Real Men in Public Life."*

"If ever the time comes when the British Government fears to listen to the truth . . . those who hold Indian stock should sell out at any sacrifice."—SIR WILLIAM HUNTER.

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## FOREWORD

Fifty years ago Professor Max Müller showed how James Mill's volumes on British India had poisoned the stream of Indian history. Mill not only adopted, but intensified the more malicious passages he found in the writings of disheartened missionaries or hostile travellers. The reason was that he had an antipathy to the Hindus; but writing in the dry style befitting a utilitarian, he deceived his contemporaries. His history became a standard work; it was drawn on by Macaulay and other writers and prescribed for Indian Civil Service students.

During the last two generations our histories of India have again suffered, but from sins of omission rather than of commission. The Government of India, through their Foreign and Political Department, have assumed the rôle of official historian, and have long been responsible for the editing of gigantic works of reference which summarize history as well as physical geography, and are a necessity to every student. They include the great Imperial Gazetteer of India, with the Provincial Series, and the definitive edition of Sir Charles Aitchison's "Treaties, Engagements and Sanads" with the Indian States. These works are either edited or written by "officials in India under orders of the Indian Government".

Under this editorial process of the Political Department

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the Indian States have suffered most. To take a salient example, the facts in regard to our acquisition of the Nizam's province of Berar are suppressed. They can, indeed, only be discovered by ransacking the Parliamentary papers over a period of eighty years. They are not given in any history, and writers of to-day found themselves on the perverted official accounts. Thus, even in Lord Ronaldshay's admirable "Life of Lord Curzon", there is a chapter on the Berar Treaty which does not explain the growth of the Hyderabad Contingent, the *fons et origo* of the transaction. The Harcourt Butler Committee have adopted the official accounts without even mentioning the Hyderabad Contingent.

Part of the truth was told by Sir Charles Aitchison in the first edition of his "Treaties", published in 1864, when he pointed out that some of the difficulties which he described in the State of Hyderabad, were due to the corrupt and oppressive *régime* of Chandu Lal, "who was entirely dependent on British influence for his elevation to power". The whole of this passage is deleted in the later official edition, and an encomium on Chandu Lal is substituted. The old rogue had been our lackey so long that he deserved a nod of approbation from Lord Ellenborough; but a servant's "character" is a poor substitute for the facts.

The "voluntary resignation" of the late Maharaja of Kashmir is chronicled in all the Government's volumes; and doubtless in the next edition the history of Udaipur will be written in the same way. In the official Aitchison it is said that the present Maharaja of Bikaner was "in-

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vested with full ruling powers in December 1898", which is the reverse of the truth.

The general supposition in England is that our relations with the Indian States have been normal during the past sixty years. That this is not the case, and that there have been grave abuses of privilege, will be shown by the facts and documents garnered in this book. These grievances call for redress, and no time, surely, can be more appropriate than the present, when the problem of India's future and status is under debate.

A. P. N.

LONDON, 1930.



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## CHAPTER 1

### PERSPECTIVE

#### (1) THE REAL INDIA

To-day, by the irony of fate, Britain receives little praise for the efforts of four generations to govern India. A century ago, looking to the future of the country where he established our paramountcy, Lord Hastings indulged in a remarkable prophecy. "A time not very remote will arrive", he wrote, "when England will, on sound principles of policy, wish to relinquish the domination which she has gradually and unintentionally assumed over this country, and from which she cannot at present recede. In that hour it would be the proudest boast and most delightful reflection that she had used her sovereignty towards enlightening her temporary subjects, so as to enable the native communities to walk alone in the paths of justice, and to maintain with probity towards their benefactors that commercial intercourse in which we should then find a solid interest". Since that was written many Englishmen have lived, and died, for India. Eighty years afterwards Lord Curzon reviewing the work done said it had been righteous, and would endure, and this is our belief. Whatever the attitude of Swarajists, we expect the world to recognize the boons we have brought to British India, her advance in peace and prosperity, our

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judicial system, the railways, bridges, irrigation, and famine relief. Privately, some are amazed that such things have not brought contentment, and are reluctant to admit that any real crisis can exist.

We may wonder, at a time when Nationalists in British India believe, or at any rate assert, that England is about to relinquish her domination "to enable the native communities to walk alone", why grateful Indians do not approach to throw garlands of flowers round our necks, after their picturesque fashion on occasions of sentiment. We are given, instead, the derisory garland of old shoes. A stream of abuse from the political class assails our ears; it seems we are despots who have degraded the people and bled the country. If we turn to our friends, the Ruling Princes of India, who warmed our hearts with their dramatic declaration at Delhi that they stood for "the initial basis of the British connection", we find that they, too, are profoundly disturbed, and fear that we may not respect their rights. The Princes have told the Viceroy that "India is to-day in the presence of the gravest crisis in her history since the British Crown was accepted as Paramount Power"; and underlying this warning is the conviction that their own position is in jeopardy. So they, as well as representatives of British India, have been called into conference before the stage should be set for further reforms.

The geographical features of the Indian States are better known than their historic position. A great chain of inner countries forming the broad spine of the continent, remote from the path of the trader, they became an allied and

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friendly hinterland. They are not directly concerned with the internal development of British India, and the converse, of course, is also true, though it should be recognized that the States and British India react upon each other, social and economic progress providing many contacts. In England we are ready enough to believe in the significance of the States, having a warm regard for the Princes, whose loyalty to the Crown has so often been proved. In British India, on the other hand, the official mind is obsessed with its difficulties at a time of political agitation, and has been wont to waive aside those factors which cause it least anxiety. But a point has now been reached when the Treaty rights of this other India, with its population of 72,000,000, cannot be ignored. The Princes, while in sympathy with reforms in British India which may advantage Indians, must be heard if measures are proposed which are detrimental to their own interests. And if a promise to British India of responsible government leading to Dominion status implies the breach of our Treaties with the States, the Princes hold the key of the door. Even apart from Treaty obligations, it is a political absurdity to suppose that any arbitrary arrangement would stand whereby land-locked States were circled by a Dominion that could penalise imports, or arrest communications.

There are various reasons why our rule is called in question, and the story unfolded in this book will explain the disquietude of the Princes. For one thing, they complain that they have long suffered interference and injustice, and that their grievances have been swept aside by the

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Harcourt Butler Committee appointed by the Government to examine them. The grievances in British India are not irrelevant in this connection, since British Provinces are held up to them as models. It is always the official view that the States are in a transition stage, backward areas which in course of time should be "levelled up" to the administrative standard in our Provinces. Some States, it is true, are ill-administered from the Western point of view; but others are ahead of British India in vernacular education, the marriage age, and the separation of judicial from executive functions. In regard to the judicial system, it is thought by enlightened critics that our legal machinery is ill-suited to the East, where it promotes litigiousness, and that Indians are better served by the more direct administration of justice in the States. But prejudice is not easily overcome, and the bureaucrat striving after Western standards fails to realise that the independence of the States, whatever their peculiarities, is a vital factor if we are to have a federal system. The Anglo-Saxon official in India has always moved upon the surface, like a ship sailing over deep waters. We have been great colonizers in the world's history, but we could not colonize Hindustan. The climate and the ban on inter-marriage forbade the attempt. So at an early stage we set about Europeanizing India. There is only one parallel to this gigantic experiment, the attempt of Peter the Great to Europeanize all the Russias, and in both cases the mass of the people were unaffected.

To Europeanize India the obvious engine, it was thought,

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was education. There was in Hindustan an old indigenous education, the Brahman system of teacher and pupil, supplemented throughout the continent in village Mosques and Temples by simple instruction suited to the people's needs. Some of our earlier Governors, Warren Hastings, Lord Wellesley, and Lord Minto in 1811, saw clearly that the path of advance in a country thronged with races diverse in language, religion and tradition was by the cultivation of vernaculars in primary education, and, in the higher branches, by study of the classical languages and literature of the East. Had that course been pursued for a century we might now have had a hundred million educated Indians, speaking little English, but equipped for any form of self-government.

Unhappily these counsels were overlaid by others. Some cultivated Hindus, in an early enthusiasm for Western ways, embraced the ideal of an English education, and were reinforced by our missionaries, who desired it as an aid to Christianity. A keen controversy arose between Anglicists and Orientalists, which was decisively settled in 1835 by the Macaulay Minute on Education, which was adopted by Lord William Bentinck. Mr. Macaulay, as he then was, had been appointed Chairman of the Committee of Public Instruction, but declined to serve unless his views were adopted. His Minute denounced the vernaculars as utterly useless for our purpose, poured vials of scorn on Sanskrit and Arabic, of which he knew little, ignored the learning and literature of the Hindus, of which he knew less, and openly displayed his contempt



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for the native religions. The truth is he thought as a politician, and considered that to make English the essential of Indian education would secure for us a class of Indians who would act as our interpreters to the masses, "persons Indian in blood and colour, but English in taste, in opinions, in morals and in intellect".

His influence, and his Minute, with its larded passages, on native history which abounds with kings thirty feet high, and "geography made up of seas of treacle and seas of butter", and what not, were irresistible. It is agreed now that the step taken then cannot be retraced, although as a result our whole educational system in India has been "a story of grave political miscalculation", as Sir Alfred Lyall and others bear witness. There has been some squeamishness in denouncing the sin of Macaulay, partly because he rendered India a minor service in the codification of laws, and partly because he was blessed by Sir John Seeley, who thought his Education Minute "the great landmark in the history of our Empire considered as an institute of civilization",—an armchair opinion as fatuous as the document which inspired it. Macaulay knew many things, but not the gulf which lies between cleverness and wisdom. "I wish I were as cocksure of anything", said a wit once, "as Tom Macaulay is of everything." It is a humour which, coupled with his gifts, may be entertaining. But for a man in his position in India publicly to condemn the languages and literature of the East, with the gusto he was wont to display in scarifying a minor poet, was a disgraceful act. We have paid a high price for Macaulay's cleverness, for to-

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day, despite all efforts to widen its scope, the education we have instituted is rigidly mechanical, divorced from Indian culture and tradition, and lacking in all relation to the life, thoughts, philosophy and aspirations of the people.

A decade after the decision was taken we made qualification in English education a necessity for Government employment, with the result that every Indian student has since regarded our form of education as a meal-ticket, and the majority have been bitterly disappointed. The many universities which now exist to carry through our pseudo form of culture seem to intensify the narrowness of the system, and Muslim and Hindu have had to supplement them lest their own culture should die. In the result, after close on a century, we have produced 2,500,000 people "literate in English" out of a population of 250,000,000 in British India.<sup>1</sup> These are mostly to be found in the towns and cities, which are few in number. Calcutta, it is true, is the second largest city in the Empire, but there are only thirty-five cities in the whole continent with a population of upwards of 100,000; and only fifty-four towns with between 50,000 and 100,000 inhabitants.

It is from among the "literates" of the middle class that the comparatively small political class are recruited who form the Swarajist, or Home Rule, parties. The political bond between them is slender, for Hindus, Sikhs, and Muslims cannot work together in the prescribed govern-

<sup>1</sup> This is a conservative estimate; the census figure of 1921 was 247,003,293, but there has been a considerable increase.

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ment in British India without artificial protection for minorities. The Hindus in South Bihar in 1917 rose *en masse* and with fire and sword fell upon their Muslim neighbours, ravaging districts two thousand square miles in extent. The Moplahs, fierce Mohammedans in Malabar, made a savage onslaught in 1919 on the Hindus, ruthlessly plundering or killing them. During the last decade there have not been such concentrated attacks, but Hindu-Muslim, or communal riots are recurrent, and in any year there may be a score of serious outbreaks. The political class include of course members of both communities; and also Sikhs, who cherish the memory of their former kingdom, and refuse the dominance of orthodox Hindus. Another source of weakness is that Swarajist partisans, being chiefly gathered in towns and cities, are strewn out over a dozen Provinces, like strings of beads dangling, as it were, over an enormous population of peasants who do not share their thoughts, and are suspicious of townsfolk. Mr. Gandhi makes a wider appeal to the peasants because his influence is spiritual, he is Mahatma, a great soul. And his gospel of passive resistance appeals to Hindus, who honour renunciation, which holy Sadhus and Fakirs exemplify. But other Swarajists can only make a limited appeal, as has been shown at the elections. The vote which empowered Indians to deal with "transferred" subjects of government was given to 7,500,000 out of the population of 250,000,000, yet although the politicians canvassed vigorously, only half of those enfranchised voted. Of the villagers who did go to the poll, many who acted on the

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advice given them to vote for the bullock cart, the arrow, or what not—signs stamped on the papers,—forgot afterwards which candidates the signs stood for, as was discovered by members of the Simon Commission on their travels.

Nevertheless, the urban political class, small in numbers, and perhaps in influence, are a portent. They are not and cannot be the “nation” which we are assured is in the making; indeed, the national idea is inappropriate to India, which contains as many different nations as Europe. But they stand for a cause in which already some of the desperate spirits have fought. And there are other factors in the Swaraj community, besides “the blood of the martyrs”, which would make for greatness if their ranks were cohesive. There are those whose English culture is not superficial, and others who have a splendid culture of their own. There are many Brahmans, subtle, far-seeing and tenacious, who would use the movement as a lever to impose the Brahman rule on Hindustan, and the Mahratta Brahmans are ably organized. There are eminent judges and accomplished lawyers; and surgeons and physicians who rival our Western skill. Some with the talent of statesmen seek an outlet for their gifts as Ministers in States across the borders. But all these are the minority, and the rank and file of the movement are subordinate Government officials, unsuccessful lawyers or clerks, and discontented students. They seek to enlarge their ranks by an appeal to workmen in Bombay, and other industrial centres; but they have been educated to take their place in a Western order

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of society which does not exist in India, so that as a class they live in a world of frustration. Yet their discontent is a source of strength to them, for it makes them propagandists. The National Congress leaders, the majority of whom have now adopted the extremist position, are the most active propagandist force in India.

In studying the Swadeshi movement one is tempted to make an analogy with Irish history, and although it is misleading there is some guidance in it. The moderate Swarajists may be thought of as the old Irish Nationalists, seeking Home Rule through constitutional methods. The Extremists might be the Sinn Feiners, who fought for independence, but in the end compromised on Dominion status; and the Communists and Bolsheviks the irreconcilables who stood out for separation. The Muslims would stand for Ulster—with the same ratio of population—utterly opposed to the dominance of the Hindu majority, from whom they are divided irrevocably by race and religion; but ready for a time, and to avoid reproach, to flirt with a coalition proposal, as Ulster once with an all-Ireland Senate. The analogy beyond this point, however, completely breaks down, for there is no place in the picture for the Indian States, with their 72,000,000 folk who, despite sporadic pleas from this or that section, are loyal to their own rulers and independent forms of government while attached to the British connection. Neither is there anything in the least comparable with the extraordinary position of the Raj, holding dominion over a continent with a small army and a handful of Civil Servants. The total number of all Europeans in India at the

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last census was only 174,057. And there is no parallel to the existence of over 230,000,000 villagers in British India, who are outside the Swarajist movement except that on the fringes they listen to Mr. Gandhi.

The peasants in India, ryots or cultivators, and their families are considerably more than three-quarters of the whole population. The figure is generally put at over ninety per cent. There are over half a million villages in India, and almost the whole continent is split up into small plots or farms, under different forms of occupancy and tenure. This pervading peasant life has stamped its impress on the Indian character. From time immemorial these villages, large or small, have been the basic social units, governing themselves in simple fashion while armies swept across the country and dynasties rose and fell as on a distant stage. If when harried the peasants fled to the nearest refuge, they soon returned to their ancestral homestead, to which they are passionately attached. Cities are the home of foreign rulers and towns harbour the money-lender and tax gatherer. Most of our books on India give the village statistics, and outline this remarkable feature of the country, but at best only in a short chapter, and sometimes only in a few paragraphs. For the villages are monotonous, and to the Western mind dull. Few will go under the blistering sun through dusty ways to see a village, when on the beaten track they may view all the colour and movement in the cities, the amazing palaces, the shining temples of Benares, or the Taj Mahal. But our writers, at any rate, state the facts, whereas one may search the books of

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many Indian Nationalists without discovering that there are any villages at all. That Swarajist leaders have even failed to arouse the country-folk in Bengal is the more curious since there the conservative village system was swept away by the ruinous attempt of Lord Cornwallis to create gentlemen farmers.

The village scene throughout India naturally varies. The houses may be scattered over an area of a thousand acres or clustered more closely. Often the houses are of a good size, built of stone or brick and tiled; sometimes they are thatched mud huts. The mud floors may be beaten hard and polished with cow dung, which sounds unpleasant to Western ears. But this queer polish produces a floor with a smooth surface which is not only spotlessly clean, but discourages insects. Many of the people living in verminous rooms in our slums would envy such quarters. In the village there are always trees, meagre in the dry lands, luxuriant in the south. In a central position Hindus plant the sacred peepal tree, in whose branches, it is said, the gods love to dwell, and in its shade there is a stone platform for the Elders' Council. Here, lurking in a hole, may be a sacred cobra which receives its bowl of milk. Not far off is a shrine or 'Temple—in a Muslim community a Mosque. Sometimes there is a *chavdi*, or village hall. Outside the confines is a group of huts inhabited by "untouchables", sweepers, shoemakers, or basket weavers. Within the village subsidiary industries are carried on. You may hear the clang of the coppersmith or the whirr of the potter's wheel, and there are still primitive looms at work. In the neighbourhood







ONE OF INDIA'S 500 ECO VILLAGES

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of big towns and cities nowadays some of this labour is drafted to mill or factory; but although there is migration, many peasants return to their homesteads. Our Western machines to them are alien monsters, and it is difficult to believe with Sir Theodore Morison that Bombay is leading the way to an industrial revolution. India is immutable.

If the village is not near a river or nullah, the water tank serves many purposes, and its use is a blot on the habits of the people, who bathe there, and even allow cattle to foul it. But in general there are also several wells with good water, where the women fill their jars. These sturdy peasant women, the greater part of the women of India, often work on the dykes or in the fields with the men. They know nothing of purdah save to hold their saris across the face if a stranger passes, and their healthy life is in sharp contrast with that of their sisters in cities who behind the curtain worship sex and God in a strange union. At close of day the cows are driven into the village from communal pastures to be penned, it is "cow-dust time". Darkness falls suddenly, fires are lit to prepare the evening meal, and in their glow you catch glimpses of vivid saris. The Elders assemble on the platform beneath the sacred tree to discuss the people's affairs—the rainfall, the season, and the crops—while younger men gather round, a respectful and silent audience. This is the Panchayat, the village Council, which from olden time has managed the rural community, redressed wrongs, and dispensed ready justice. It has been said there are but two indigenous institutions in India—the Panchayat and the Indian State.

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At the meeting of the Panchayat the greybeards may be joined by the priest, who is often an astrologer; and sometimes the schoolmaster reads aloud a vernacular paper which, perhaps, purveys abuse of government. India is a vast whispering gallery, and the mass of the people are not "dumb", or silent; but they are never really concerned with politics in the narrow sense. In British India there are rumours among the peasants of a new rule in the land, because Swarajist politicians visit them now and then, to preach Home Rule, and the iniquities of the British. After a bout of such talk the Elders sometimes wonder whether this campaign is a sign that the Raj is growing old and weak. But it is only when something happens to arouse his religious or communal feelings that the villager thinks it may be safe to make a riot. When punishment follows, he realizes that things are much as they were, concludes that the Swarajist preacher was a liar, and relapses into his customary indifference to politics.

Some suggest, to justify an educational campaign, that this enormous population of villagers live in the depths of poverty, are poor husbandmen, and are sunk in a slough of ignorance. Such generalizations are false. In the dry lands there is sometimes poverty, or where land has been too much subdivided. The money-lender has placed a burden on the people which often robs them of comfort; and in some parts the cows suffer from scant pasture. When the Aryans first came to India, cows were not sacred, and their flesh then was eaten and sacrificed. It is unfortunate that the taboo, probably imposed because

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cows were too few, cannot now be removed when they are too many. Having given the debit side, it must be said on the other hand that a great multitude of Indians get a fair living from the soil, growing the most various crops, from millet, wheat and rice to sugar-cane, cotton and indigo. There has not been in India, since the great famine of 1899-1900, anything like the acute problem of poverty which confronts Great Britain to-day through her unemployment problem.

The Indian rural population, though illiterate from the Western point of view, have the education of life and inherited tradition. As a class, they are patient, gentle, and industrious. The cultivator at his best is as good as the average British farmer, and in some respects better, for India has been breeding agriculturists under the caste system for three thousand years. It is idle to compare their condition with that of peasants in Europe, because their wants will always be fewer. The sun is their benefactor. When the rains fail there is poverty, but the failure of the monsoon has no more to do with the habits of the people than with the nature of their government. No country in the world is subject to such terrible danger from a failure of the periodical rains, a danger which is more crucial now because the Pax Britannica has doubled the population in little more than a hundred years. Famine relief is thus our special duty. For the rest, we can give the villagers better seed, improved implements, and the benefits of research and sanitation; but it is folly to suppose that a smattering of English education can be of much use to them.

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We northern Aryans, stimulated by our harsher climate, have been bred to a life of struggle, active, combative, political, we even boast of dying "in harness". We vent our energies in work, or excitement, striving after possessions and luxuries. We have not the habit of rest and reflection, these are matters for the seventh day, when they are perhaps neglected. But India is the home of religion and meditation. The Hindu learns to regard this life as but a journey between one village and another, and to realize its unimportance. Here man is closer to the earth, and deifies Nature; the rivers are sacred, and forest and mountain the haunt of gods. The soil is fertile, its fruits often suffice for sustenance, the simplest hut is shelter, and fewer wants mean greater happiness. The Muslim, holding his faith more fiercely, relishes the same simplicity as the Hindu, both living their religion in the ritual of daily life, which embraces quietude and prayer. Life calls for sensuous enjoyment; but austerity, too, is good, because poor men eat better bread than rich, hunger giving it sweetness, while a tithe of the sufferings the foolish endure in pursuit of riches may win eternal happiness. A little rest, therefore, in this melancholy, sunburnt land, a time for self-knowledge, and meditation with God, and then the escape through death. It is in curious contrast with this mentality to find our excellent agriculturists in the Linlithgow Report concerned with "the problem of the best use the cultivator can make of the large amount of spare time he has on his hands".

This is the clash of temperament. Another rift between

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the two civilizations is perceived when we consider ideals of democracy. Mohammedans, despite their veneration for a personal ruler, are all equal in the great brotherhood of Islam, and may be democratic; but to the Western world Hindus are not. Their organization of caste, separating class from class, seems entirely opposed to our democratic ideal. And when we come to the residuum of caste, the 44,500,000 people of the depressed classes, or "untouchables", who are kept outside the social pale, no one can suggest a way in which these can be fitted into the framework of democracy. The colour bar enforced against the darker aborigines by the earliest Brahman invaders who, before some thousand years of fiery sunshine had tinged their skin, were the white overlords, does not affect the untouchables. The aborigines are still distinct, a problem apart; they are chiefly Gonds, Bhils, and Santals, with the gipsy or "criminal" tribes, and their total of about 13,000,000 should not be added to that of the depressed classes. The latter are for the most part Hindus performing humble services, who are isolated by caste rules which have been made more rigorous during the centuries. The responsibility for untouchables lies, therefore, with the Hindus, and to the solution of the problem, if there be one, the more thoughtful address themselves.

That Parliamentary institutions are unsuited to the Indian genius was once the view of some Indian leaders, as well as of our best administrators. Not a few of the latter felt before the war that even the Morley-Minto scheme was not adapted to the mass of the people, the

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peasants, whom it did not serve. One alternative, from time to time suggested, was that instead of advancing towards self-government on Western lines, we should try to reproduce in British India the framework of the Indian States. The late Lord Salisbury in one of his speeches seemed to countenance this idea, although it is not to-day regarded as practicable. Such views were summed up by Sir Walter Lawrence just before the war. There is no need to pay any tribute to Sir Walter Lawrence, whose career is well known, save to say that he is one of those Civil Servants who have not only understood the Indian peoples, but shown them that affection which they crave. In an earlier day Colonel Sleeman was one of these, having the same close knowledge of the village communities, and Colonel Meadows Taylor was another. We have more records of such men in the past; to-day they must be sought among our Settlement Officers, whose devoted work is little known, for the ordinary Civil Servant under the present working of our centralized system is much divorced from the people. In an address to the Royal Institution in March 1914 Sir Walter thus expounded his scheme:—

“During my twenty-one years of life in India I was always comparing the conditions in Indian States with the conditions prevailing in British India, and I am of opinion that the people in the Indian States are happier and more contented than are their brethren over the border in British territory. They have a government more congenial, more in accordance with their own ideas, in short, a government that is Indian. As an

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Englishman I might prefer to live in British territory, but if I were an Indian I should most certainly elect to live in an Indian State. There is more chance, more scope for individuality. There is more freedom and less overt and ever-present government. There is a career there open to the talents, there is no one there to jar on their sensibilities, and to run counter to their religious and social prejudices, and above all there is no one to disturb their quiet. I admit at once that from an English point of view the standard of efficiency is lower in the Indian States than it is in British territory. But my point is that our standard is too high for the Indians. It is rigid and uncomfortable for them; and for us it is becoming daily more difficult to maintain the standard.

"I admire the Indians, and respect their great qualities, and believe in their great future. And because I hold that that future is endangered by the recent experiments,—by the concessions which conciliate no one, and merely weaken our Government and puzzle and exasperate the people,—I venture to suggest another experiment, a new form of Government that would appeal to Indian ideals, and would not weaken the British connection. I would turn the whole of British India into Indian States. This cannot be done in a day, nor in a year, but it can be done gradually. A few years ago the British Government created a new Indian State, when His Highness the Maharaja of Benares was created a ruling Chief." After suggesting that throughout India there are many outstanding men of hereditary status and influence from whom the Chiefs of future States might be selected, Sir Walter continued:

"I would allow the Chiefs of the Indian States to settle



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the form of Government in their respective territories. I would encourage variety, for I hold that much of the discontent of the Indian is due to our fatal partiality for humdrum, monotonous uniformity. The new Indian State would be on exactly the same political footing as the existing Indian States. . . . Each new State would take over the present staff of officials and be liable for their pay and pensions, but would be free in the future to recruit for the State requirements. Certain services would be Imperial as at present, namely, the public debt, the army, the Indian marine, the central administration, foreign affairs, home charges, post offices, telegraphs, mints and railways. Irrigation, which is now partly Imperial, should at any rate at first be made wholly Imperial. The main principle of the proposed change is this, that British India at present administered and managed by British officials should in future be managed and administered by Indian officials responsible to an Indian Chief. . . .

"We have worked on too large a scale, and our scaffolding is too big for the house. The huge medley of races and religions which is contained in a British Province is too much for the grasp of ordinary citizens. In the new Indian States we should have some chance of homogeneity, some chance of common action, some hope of indigenous growth and real political life. And I look forward to the United States of India, bound by ties of love and gratitude to the great nation which served and guided them aright, playing a wonderful part in the destinies of mankind."

At the time this protest against Western institutions was made, Britain was absorbed in the Irish quarrel, and it

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attracted little notice. What Sir Walter Lawrence desired for British India was Provincial Home Rule, and to hasten this he would have taken the reformed State as an exemplar. For the States are self-governing units, ready, if their Treaty rights are safeguarded, to enter an all-India Federation. In self-government it is the British Provinces that are backward areas, they are not ready for federation. Whether or not such a scheme of United States was in the past practicable, it had in view the ideal of a future federation throughout India, an ideal which was lost sight of when a further attempt was made during the war to Europeanize British India by thrusting sections of the people into a uniform but complicated system known as Dyarchy.

## (2) THE DYARCHY FIASCO

In 1916 political thought among some of our statesmen was deflected by one of those casual events which Mr. John Buchan has contrasted with the causal in history. Dyarchy, which can find no favour with the Simon Commission, was an accident, as will be seen. Halfway through the Great War statesmen and students indulged in aspirations towards the better government of mankind which were not only premature, but were conceived in an atmosphere of stress and haste. In India at the outset of the war there had been a loyal rally to our cause not only from the States, but from British India, where discontents were hushed. Lord Hardinge's historic telegram will be found in an Appendix. The Imperial Legislative Council voted money, the Indian National Congress were for once in sympathy with the Raj, while Mahatma Gandhi sought to raise ambulance corps. But after two years a change came over the scene in British India. The wave of enthusiasm for our cause subsided, there were tales of defeat, doubts of our strength, long casualty lists and high prices. The political classes again demanded self-government, and the revolutionary movement reared its head. Mr. Asquith promised that Indian questions should be approached from "a different angle

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of vision", and the emancipation and regrouping of subject peoples became a subject of current discussion.

Before the war the best Liberal thought was opposed to Parliamentary institutions for Indians, as is a strong current of Conservative thought to-day. Lord Morley did not think it "possible, or even conceivable to adapt English institutions to the nations who inhabit India". He denied that the Morley-Minto reforms led directly or necessarily to the establishment of a Parliamentary system, to which goal in India he refused to aspire. Lord Crewe adhered to this view, and Sir Courtenay Ilbert, another veteran Liberal, said that self-government in the colonial sense would be a false ideal to pursue, and that India could not copy patterns supplied by Canada, Australia and South Africa. The Morley-Minto reforms associating Indians with our government kept the Provincial Councils entirely subordinate to the Government of India.

The line of cleavage came when Lord Chelmsford succeeded Lord Hardinge. The new Viceroy, when Governor of New South Wales, had been in touch with the earnest association of men who for twenty years now have formed Round Table groups in our Dominions and at home to study Imperial problems. Chief among these was Mr. Lionel Curtis, with whom Lord Chelmsford was much impressed. Mr. Curtis was convinced early in the war that if at its close, or soon after, the British Empire was not linked together in a Commonwealth government it would perish. His view was that a Commonwealth Cabinet must speedily be created in

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which Ministers from the Dominions should sit with our Ministers for Foreign Affairs, Army, Navy and India, and to this end he drafted an elaborate scheme. Constitution-making of this kind, while it has fascinations not only for the political student, but for Cabinet Ministers, is received with a healthy scepticism by the average citizen, who prefers evolution in government to miraculous creation.

The first set-back to the scheme was encountered when the Dominions displayed an aversion from a Commonwealth Cabinet in which India was to be represented, on the ground that India was not sufficiently democratic. Mr. Curtis accordingly transferred his Indian Secretary from his Commonwealth Cabinet to the purely domestic Cabinet which he proposed to bestow on the British Isles; and having a considerable acquaintance with Cabinet Ministers and ex-Ministers, he sought to test his new proposal in conversation with them. One after another, however, declared that a Commonwealth Cabinet was unthinkable without an Indian Secretary. Here was a fresh difficulty. Obviously if Mr. Curtis was to commend his paper scheme it was now necessary to turn his attention to India.

Mr. Curtis had never been to India—he tells the story himself, with extraordinary naïvete—and so in the autumn of 1915 some friends of his who did know India undertook to help him. One of these was Sir William Duke, who had been Governor of Bengal. Their rôle soon became that of disciples. Mr. Curtis had a scheme—when had he not a scheme?—this reincarnation of the

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Abbé Sieyès. He stressed the need in British India of government which should be "responsible" to the people, rather than self-government, because if it was responsible it could be commended to the Dominions as democratic, so that a Secretary for India might take his seat in a Commonwealth Cabinet. His plan, the first of the Dyarchy proposals, was not designed in the interests of India, of which he knew little, but in order to fit India into his scheme for a new Commonwealth. Sir William Duke, without accepting responsibility, worked out the details, and the result was the Duke memorandum showing how Dyarchy could be applied to British India. It was now the spring of 1916. Lord Chelmsford had already got in touch with the group when he knew that he was to be Viceroy; he asked to see the result of their discussions, the memorandum was sent to him in May, and before he went to India he had made up his mind on the policy of "responsible government".<sup>1</sup>

Having now decided the principles on which British India should be governed, Mr. Curtis thought it would be a good idea to go to India and adjust the details. He arrived at the end of October, and saw many people, one of the first being Lord Chelmsford, who had invited him to Delhi. Letters and leaflets began to pour from

<sup>1</sup> There is a controversy on this subject, but disputants seem unaware of the statement made by Lord Crewe in the House of Lords, on December 12, 1919:—

"I know from personal knowledge that before Lord Chelmsford went out to India in 1916, he had become clearly convinced in his own mind, from conversations he had had with those competent to give opinions and from his own reflections on the matter, that it would be necessary at once to make an announcement of the character which was made in 1917—namely, that this country was looking forward to an advance in India with responsible government as the goal."

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his pen in a stupendous missionary effort, for he had not a doubt of his theories. Having attended the Lucknow Conference at which Hindu and Muslim parties issued the appeal for an announcement of British policy on self-government, he paid another visit to Lord Chelmsford, as a student of reform, and "freely used" his opportunity to press for responsible government. He was in touch with England, being a voluminous correspondent, and in his book asserts that Sir Austen Chamberlain was in sympathy with his ideas. Mr. Curtis also arranged for an English edition of his long "Letter to the People of India", which had created a stir in India, though at home it did not attract much notice.

The declaration made by Mr. Montagu on August the 20th, 1917, announced that "responsible government" within the Empire was the goal in India. The Government of India in their communications had not proposed these words—although the Viceroy was strongly in favour of them—and had been careful not to commit themselves to a specific form of self-government. But, although the Imperial Cabinet were divided on the subject, Mr. Montagu received unexpected support from Lord Curzon, who pronounced in favour of "responsible government" as the goal. From this position he afterwards sought to withdraw, as Lord Ronaldshay has shown, but finally did not press his objection, and the words of 1917 were repeated in the preamble of the Government of India Act of 1919. When the home Government were originally committed, in 1917, to the policy of "the gradual development of self-governing

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institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire", it was hardly discussed in England outside the professional world of politicians and journalists, for our people were suffering the terrible anxieties of the worst year of the war.

At about the time that Mr. Montagu went to India to consult with Lord Chelmsford, Mr. Curtis discovered the "essential unity of India", the wish doubtless being father to the thought. The more important part of his device was maturing, for by this time he had sketched out, in addition to a Commonwealth Cabinet, an Imperial Parliament with two Houses. It had occurred to him that Indian Princes and Muslim Senators might sit in the Upper House and representative Hindus in the Lower House along with the generality of Dominion representatives. His activities in the winter of 1917 culminated in the drafting of a Joint Address to the Viceroy which was signed by a large number of Indians and Europeans. This Joint Address, rather to his surprise, became the target of attack. "Courage, Sieyès, nevertheless! Some twenty months of heroic travail, of contradiction from the stupid, and the Constitution shall be built; the top-stone of it brought out with shouting—say, rather the top-paper, for it is all Paper".<sup>1</sup> And when twenty months had passed, the Bill embodying the Montagu-Chelmsford reforms was before our Parliament, soon to be enacted. It contained the Dyarchy principle brought to birth by Mr. Curtis, with some variations of

<sup>1</sup> Carlyle, "The French Revolution", Bk. VI., c. 2.



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which he was critical, into which it is needless to enter. Its artificial genesis might have served as a warning that it was unlikely to win the goodwill and co-operation of Indians. In the result, and because of ill will, as well as the illogicality of the scheme, its principles have had to be abandoned in Province after Province in order that government may be carried on.

Dyarchy to an Englishman is an outlandish term. Even the broad principle is difficult to grasp or summarize. Briefly, the Imperial Legislative Council (for all British India) and the Provincial Legislative Councils, which under the Morley-Minto scheme had been instruments for registering the will of the executive, were now reconstituted with a large, elected, non-official Indian majority. At the centre, the Governor-General in Council still remained the supreme executive, with overriding powers to secure the prevalence of his will if the new Central Legislature proved obstructive. But in the Provinces the change went much further. Definite powers, in the exercise of which the Central Executive did not usually interfere, were allotted to the Provinces; but within each Provincial Government there was a further division of these powers. The ultimate powers, like Law and Order, and Finance, were administered by the Governor and Executive Councillors, appointed by, and responsible to, the Crown. But an important group of powers, such as Education, Public Health, Industries, and the like, were administered by the Governor and Ministers, whom he selected from, and who were in theory responsible to, the reformed Legislatures of the Provinces. This manifold

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machinery, which pleased no one, was commended in the name of English Constitutional progress.

Mr. Curtis showed apostolic fervour in preaching his gospel till the eleventh hour. Nobody liked the scheme, but step by step we had been committed to it. India was rendering us yeoman service in the war, and to satisfy the urge of Indian parties towards self-government our harried statesmen could think of no alternative to the Montagu-Chelmsford plan. A very general view at the time, however, was expressed by Lord Ampthill in the House of Lords:—"The incredible fact is that, but for the chance visit of a globe-trotting doctrinaire with a positive mania for Constitution-mongering, nobody in the world would ever have thought of so peculiar a notion as that of Dyarchy". It was adopted on the principle, in India, of something being better than nothing, and in England, of any decision being better than none. And the mordant sequel was provided by the Dominions. When they met after the war to consider their joint affairs, they were concerned at first with more practical matters than paper Constitutions; but when in 1926 the Imperial Conference did give their attention to this subject, they resolved—

"That nothing would be gained by attempting to lay down a Constitution for the British Empire. Its widely scattered parts have very different characteristics, very different histories, and are at very different stages of evolution; while, considered as a whole, it defies classification and bears no real resemblance to any other political organization which now exists or has ever yet been tried."

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The effort of the Round Table missionary to force Asiatics racially opposed into a *quasi* Parliamentary mould had already become grotesque, when after the war so many democratic countries in Europe turned towards autocratic rule—Italy, Yugo-Slavia, Greece, Spain, and even France herself. Now that the British Dominions in conclave condemned the creation of a Constitution for the Commonwealth, the student's house of cards came tumbling to the ground, with its domestic Parliaments, Imperial Parliament, two Houses for the Empire, and a Commonwealth Cabinet which should include an Indian Secretary. But the pseudo Anglo-Saxon Councils, with their divided authority, imposed on British India so that she might qualify for this Commonwealth Cabinet, remained. The student had impregnated our statesmen with his fancies before we were ready to think out our problems.

But responsible authorities to-day consider that the only hope of attaining through self-government the goal of Dominion status, implicit in various declarations, is to scrap the Dyarchy machinery in the British Provinces, and give to their Legislatures, not only the "transferred", but also the "reserved" powers of government that were withheld by the Montagu-Chelmsford scheme. Thus it is hoped to establish the principle of responsibility in the Provinces. Under any such proposal, if adopted, the Provincial governments when they proved able to rule would be responsible to their Parliaments. If a Province failed in government, then our skeleton organization—provided by the retention for the present

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of the British Civil Service and Police—would be directed to take over the administration until the Province was ready to try again. Such a policy would, at any rate, be a frank recognition that in British India, under our suzerainty, the alternative to an Indian Ministry which fails to govern is a British autocracy. It was to avoid this admission that the elaborate and futile intermixture of authority under Dyarchy was devised. The new policy must envisage effective British control at the centre for some time to come.

Having been committed to the ideal of Parliamentary institutions, it follows that we must now expect authoritative proposals for a great enlargement of the electorate, and all who are concerned with the practical conduct of affairs in British India must address their thoughts to an extended experiment in Western democracy. We shall turn again perforce to the question whether Indians, apart from the limited political class, can use the democratic machinery. The problem of the Hindu untouchables, as has been said, must be solved, if at all, by Hindus. But there is a side to the organization of caste which is not generally considered. It has been argued that caste may be democratic in the Greek sense of securing equality among equals, since it provides to each man an opportunity of attaining to a position within his particular group which is as honourable as that attained by the corresponding man in any other group. In Travancore, an ancient Hindu State, democracy seems to have triumphed over caste restrictions. Perhaps a hopeful argument is to be found in the village communities

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throughout India, which during the ages have been like little Republics. The history of India has been one of arrested development. Here no doubt was the germ of democracy planted by those primitive Aryans who turned south to India instead of west towards Europe. The plant was stunted by the blasts of countless invasions, and has never flowered. And gradually, rather than stress being laid on equality, the principle of social authority was developed through these Councils, and through the Joint Family system, which together with religious ordinances gave the peasants in simple fashion their poor relief, education, police and justice. Had we not followed the will-o'-the-wisp of Europeanizing India, we might have promoted democracy and responsible government by building up the indigenous village Councils, instead of trying to build from the top downwards with Western Legislatures.

There was another natural line of advance towards self-government in British India which has been put out of court, for the present at any rate, by the diversion of the reforming spirit into Western channels. If British India could be sub-divided on racial lines the Provinces would be more manageable, and much of the communal strife would be averted. Lord Meston has suggested that such areas as Sind, Behar, Oudh, the land of the Sikhs, and the Mahratta tract should be made basic units of administration. Some think the difficulties of overlapping which of course would occur are insuperable. The sub-division of the Bombay Presidency would present many such difficulties. But even for administra-

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tive purposes the desirability of smaller Provinces, which the Government for various reasons brushed aside after the Decentralization inquiry, must sooner or later be recognized. An interesting scheme was worked out by Sir Edward Tandy, when Surveyor General, for grouping smaller units in regional zones. On ethnological grounds, the Aga Khan has discussed the burning question of protection for minorities with special reference to the racial grouping of Mohammedans in Eastern Bengal, the North-West and East of India, and Burma, suggesting States on the Bavarian model. Though he has assumed that British force is destined to disappear, his arguments none the less command the attention of those who on this differ from him. It is significant that these proposals should be made by the spiritual head of the Ismaili sect of Mohammedans, who can influence opinion. Hitherto such schemes have lacked a racial rallying point.

In the other India of the States personal rule is a great asset in focussing the people's sentiment, though it is regarded with half contemptuous toleration by bureaucrats. The outward shows which to them seem useless, festival and pageant, the State army, the splendour of the Court, are the very things which lure the East. By patriarchal bounty which Simla considers wasteful extravagance, thousands are cheered who find no place at our board. We keep strictly the social division between Indians and Europeans, but in the States there is a mingling of the people with the Court, and the humblest may win audience. Whatever affection there is between East and West in British India is between individuals;

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it was written before the controversies of to-day that we might gain the respect, but never the affection of the Indian races. Whereas in well governed States, and these are by far the majority, the intense loyalty of subjects to their rulers is akin to affection. To the peasants throughout India there is magic in an hereditary Prince, who is sometimes the religious as well as the secular head of his people. The official mind, when government in the States is discussed, is apt to glance obliquely at cases of flagrant misgovernment, and to cite the Manipur outrage as an example of violence which may recur, or the recent instance of misrule which required our intervention. For that matter, the history of Europe is well provided with atrocities. When the late Sir John Strachey marshalled the cases of State abuse in India which had led to our intervention, he could name only ten in forty years, though over five hundred Princes had governed; while in Europe far fewer Princes ruled, but more were proved unfit.

Much water has flowed under the bridges in Asia, as well as Europe, as we see if we turn to the ideal of kingship described by the two Chancellors who so far have led the Chamber of Princes. Sir Bhupinder Singh, the Maharaja of Patiala, is one of the clearest exponents of their attitude and policy. "To us", he has said, "kingship is an office which has rights, and which has obligations. The two are indissolubly linked. The same is true of the subject. . . . There is thus a really Indian conception of responsible government which needs to be appreciated, —the conception of a government in which every subject knows what his rights are, since those rights are secured

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to him by custom and religion; and in which public opinion is the final sanction for every act of government, and is able at any time to bring irresistible, because direct, pressure upon the administration". In the same speech, made to the East India Association in 1928, he declared that the rank and file of the Ruling Princes desire not only to make their government efficient, but their subjects prosperous and contented. Sir Ganga Singh, the Maharaja of Bikaner, who preceded him in office, has said :—"Protection is the very kernel of kingly duties according to the Mahabharata, and of the six citadels of a kingdom mentioned in our Holy Scriptures, the citadel of 'ready service and the love of the subject' is the one most impregnable".

That such ideals are not idly pronounced may be seen even on a cursory examination. In Baroda, the Gaikwar long since introduced compulsory education, of which he was a pioneer. It cannot always be put in force, but much has been done. He has also established a valuable system of medical relief in rural districts. The Maharani of Baroda is an active patron of women's education. The Maharaja of Bikaner has reorganized his Departments, and built up a strong and efficient central Government; while his fine canal colonies bear witness to a striking economic success. Patiala under its present ruler has made great strides in various directions. Primary education is free throughout the country, and the number of schools is steadily increasing. In secondary schools the fees are much less than in British India. A valuable lesson to British India has also been afforded by the recognition



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of definite powers vested in the Panchayats; and in Gwalior, and elsewhere, these village Councils have been encouraged to settle petty disputes. In Alwar, the Maharaja has not only promoted irrigation, but made good roads connecting every part of the country. Here, and in many other States, special attention is given to agricultural development, through schools, well equipped farms, and other practical measures, as in British India. Most States have now a fixed personal Privy Purse; and many have adopted regular Legislatures. In Travancore, though personal rule remains the key-note, there is a constitutional Government which is far in advance of any attempt at democratic administration to be found in British India. Here a population of four million Hindus do not favour the purdah system. Women have the vote, the Civil Service is thrown open to them, and they manage their own affairs. In this the State is an exception.

The Imperial Parliament forgot the States when they made the settlement of 1919. A Chamber of Princes, it is true, was set up giving the semblance though not the reality of reform. But no heed was paid to their interests when the Central Legislature in British India were empowered to impose Customs tariffs for the whole continent. These tariffs increase the cost of living throughout India, yet the States have no share in the revenue. The only *amende* is that ten years afterwards the Harcourt Butler Committee suggest the appointment of an expert Committee to contrive safeguards which in justice should be embodied in a Constitution. In a matter affecting the States more closely, the approach to Dominion status, it

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was feared they would again be neglected. The Harcourt Butler Committee not only brushed aside past breaches of the Treaties, but ignored the intrinsic right of the Princes to a voice in the policy of Dominion status. The only comfort vouchsafed them was an assurance that their relationship would continue to be with the Crown, which, since the Treaties were made with the Crown, should be axiomatic. The call to conference was an admission of the Committee's oversight.

In regard to Dominion status there is much ground in common between the Imperial Government and the Indian States. It has not perhaps been fully realised that our Allies, the Ruling Princes, are in sympathy with a policy of Dominion status, if it can be attained without severing the British connection. They do not confound it with Dyarchy, which has been a domestic affair of British India. Those in England who are opposed to Dominion status perhaps resist it because they believe it implies such an extension of Dyarchy as would remove all safeguards, sacrifice British interests, and lead to complete independence. If, however, the two questions of Dyarchy and Dominion status were now divorced, it would promote agreement. And if Dyarchy were relegated in our thoughts to the position of a tentative experiment soon to be abandoned, and a formula of Dominion status were sought which would be applicable to the whole of India, while preserving the British connection, then the federation of India would be in sight. Possibly if India for some purposes were linked with the Dominions Office, a different spirit might be evinced by Swarajists.

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On the other hand, the pursuit of the Swarajist ideal of a Dominion status analogous to that of Canada would lead eventually to Indian control of the army. Canada and our other Dominions control their military forces and police, are responsible alone to their own Governments for the preservation of internal order, and are free to make the choice whether they will fight with the Empire against aggression. If in British India an Indian Government secured this power, it would be tantamount to the withdrawal of the British army, for our soldiers would not serve under a purely Indian Government which was not responsible to Britain.<sup>1</sup> Complete independence in finance and taxation would, of course, also be enjoyed, irrespective of the fact that the Indian debt is in the hands of British investors; but to prove the paradox it will suffice to use the cardinal illustration of the army. The next link in the chain is generally missed. Even if Britain were prepared to sacrifice her own interests, and to stand aside from internecine feuds, it is impossible to give complete control of the army in British India to an Indian Government unless either the assent of the Ruling Princes is obtained, or their Treaties are broken. For by forty Treaties and numerous solemn engagements Britain has guaranteed to preserve the internal security of the States and defend them from attack, and the pledge cannot be fulfilled unless there is an army in India under Britain's control, an army to implement our covenants.

The Treaties have been confirmed, if any confirmation

<sup>1</sup> Incidentally, a third of the Indian soldiers in the army who are recruited from the States and Nepal might also withdraw.

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were needed, by Royal Proclamations dating from 1858 to 1921. There is no logical escape from the position. If the proposal were ever made, the assent of the States would be a necessary preliminary to the withdrawal of the British army. The other horn of the dilemma is the breach of the Treaties. This should be unthinkable, and without a knowledge of the facts surprise might well be expressed at the misgivings of the Princes. A sidelight on the situation is cast by the book on "The New Despotism" in which Lord Hewart recently has shown that our bureaucracy in England have done strange things in usurpation of Constitutional rights. Stranger things are done in India by the Political Department there, who have in many ways usurped the rights of the Princes, and thrown the Treaty position into confusion.

## CHAPTER II

### THE PRINCES AND THE MACHINE

The Foreign and Political Department of the Government of India have supervised our Treaties with the Indian States since the Mutiny. For sixty years they escaped all criticism, and became in consequence one of the strongest bureaucracies in the world. The States were isolated, it was the British policy that they should not have diplomatic relations with each other, and when injustice was done they could make no common cause. There was no criticism of the Department in Parliament, for the affairs of the States were presumed to be within their own management. It was only when a Ruling Prince was charged with misdeeds or misrule, as in Baroda in 1873, and Manipur in 1891, that the Indian States were discussed in the House of Commons. No material was ever available on which to convict the Department of error. An attempt to arraign them in 1890 for the deposition of the Maharaja of Kashmir failed for lack of evidence, as the demand for information was met by the issue of a defective Blue-book. Behind the curtain of the isolation policy many things were done which should have been brought before Parliament. The policy was relaxed when post-war sentiment was in flood, and in 1921 the Chamber of Princes was instituted. This led to the discovery by

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the Princes that the practices inimical to their Treaties were wide-spread, and they sought legal opinion on their rights. But they were unable to get redress of grievance, because the Chamber's procedure and business were put under the absolute control of the Political Department.

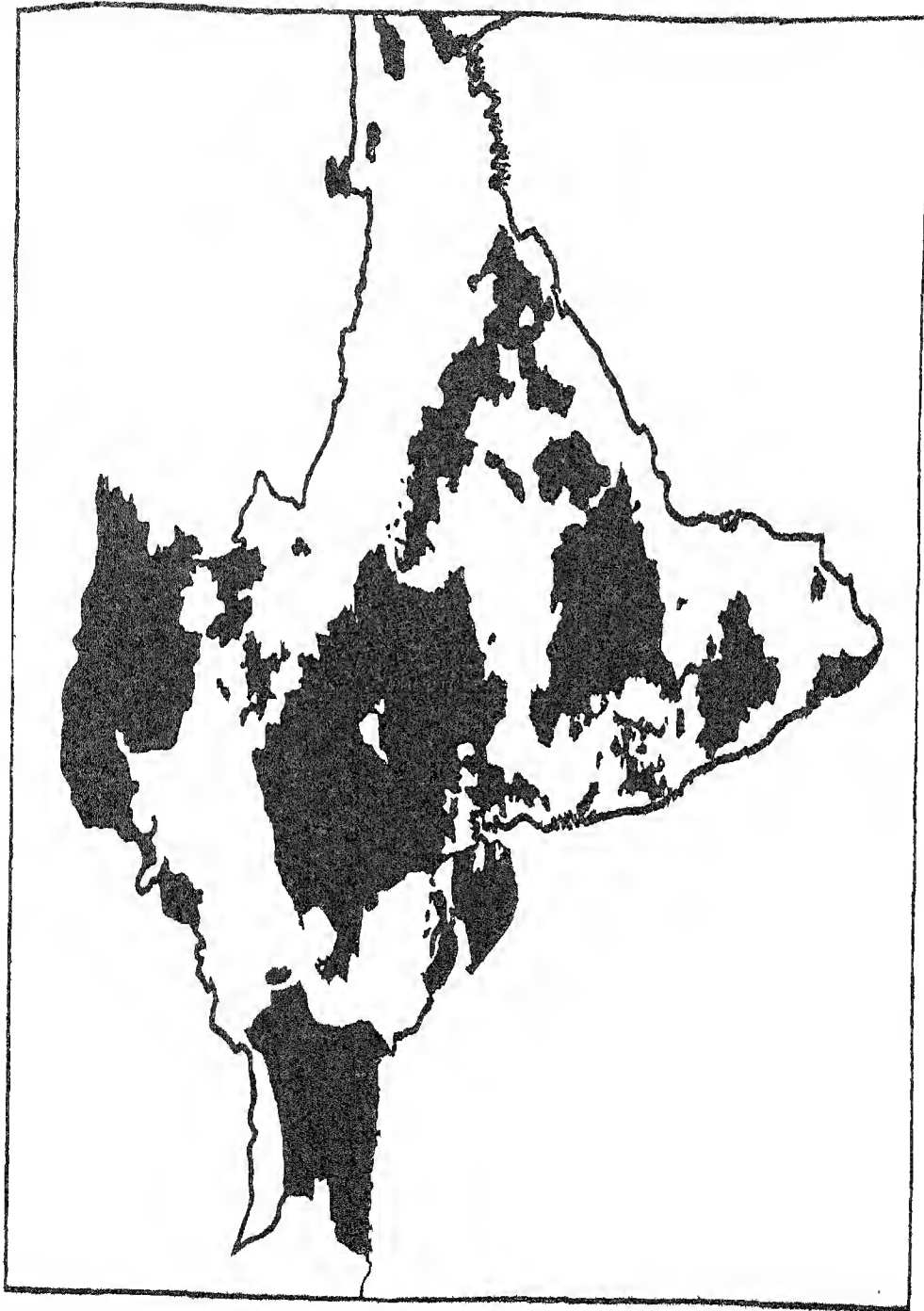
This imperious bureaucracy who have withheld agreements, made their own laws, and over-ridden Treaties, have shown themselves in few things more powerful than in rendering nugatory the Chamber of Princes set up by the Crown as the complement in the States to the reformed Councils in British India. This Chamber was but the moiety of what the Princes asked, for their wish was that on important matters affecting the States the Viceroy should consult not only the Political Secretary, but an Advisory Council of Princes, and that there should also be a Court of arbitration. The Montagu-Chelmsford Report had encouraged the hope that a long step would be taken in this direction when the Chamber of Princes was inaugurated, but behind the scenes the proposals were diluted. It was decided that disputes should only be referred to an arbitral body at the instance of the Government, who reserved the right to refuse the decision, while the Chamber were denied the liberty of an ordinary debating society. Their Standing Committee, which was the official substitute for an Advisory Council, have conferred from time to time with the Political Department on their policy, but no agreement has been reached on which the Department will act. In his address to the East India Association in 1928 the Chancellor, the Maharaja of Patiala, thus described the procedure:—

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“We found in practice that as soon as we had come to some tentative outlines of agreement with the Government of India, the opinions which that Government elicited, either from provincial Governments or from local Political Officers, were such as to throw the whole thing into the melting-pot once more. The upshot was, of course, equally unsatisfactory both to ourselves and to Government. We often felt that we had gone to the very verge of compromising what we regarded as our undoubted rights, in order to meet the wishes of the Political Department. But the system of reference to which I have alluded effectually destroyed all real chances of satisfactory compromise.”

The Ruling Princes, accordingly, asked the Viceroy for an impartial tribunal before which they might bring evidence of their broken Treaties, and their request led to the appointment of the Indian States Committee presided over by Sir Spencer Harcourt Butler. This inquiry into the affairs of the Indian States was the corollary to the Simon Commission which has dealt with British India. The public in England were only dimly aware of the nature of the States inquiry, and the Harcourt Butler Committee travelled, heard evidence and pleadings, and reported with the minimum of public criticism. The inquiry was chiefly concerned with the conduct of the Political Department in India, and the Treaty position.

This Department, formerly called the Foreign Department, was created when the British Government took over the East India Company and its affairs after the Mutiny of 1857. All the Political Agents, Residents,



MAP OF INDIA

The areas shown in black are those of the Indian States, the rest is British India.

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Secretaries, Assistants, and minor officers accredited to the States were then placed under a Foreign Secretary with a Headquarters staff. He was responsible, under the Viceroy, for all communications or dealings with the native States, and he also had charge of India's external relations, including frontiers and the Persian Gulf. Recruits to the Service are recommended both from the Civil Service and the Indian army, their progress depending on their qualifications or the influence they may command. In 1915, owing to pressure of war business, a Political Secretary was appointed to take charge of relations with the States, while the duties of the Foreign Secretary were confined to India's external relations. These two Chiefs preside over a great organization in which there are several hundred Officers of importance, and a host of minor officials. The Viceroy as a rule confers with the Political Secretary for an hour once a week, and if he wishes to refer any matter there is an Indian Council in London to advise the Secretary of State.

The Department have long acted on the assumption that Treaties with the States have not the sanctity of Treaties made with other countries. The States, it is true, are in a unique constitutional position. Under Treaty or engagement they receive from the British Crown, as suzerain, a limited protection, yet they are not analogous to any Protectorate in our Empire. In a major, or full powered State, the suzerain undertakes to protect the Prince and his successors against foreign or domestic enemies, while the Prince engages to govern peaceably in his realm, of which he is declared the absolute ruler. On

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this theme there are many conflicting arguments, but Sir Henry Maine's conclusions are generally accepted,—that sovereignty is divisible; that in the Indian States may be found every shade and variety of sovereignty; but that there is only one independent sovereign, the British Crown. None the less, Treaties made within these conditions are meant to be observed as covenants, and this was the essence of Queen Victoria's Proclamation after the Mutiny.

During the generation which followed, however, the Department adopted a course of political practice towards the States which infringed their Treaties. Even before the Mutiny there was a constant duel between the East India Company and our Agents or Residents in the States, whose temptation was to govern. And when a bureaucracy was established their desire to govern became almost an obsession. There seem to have been few Agents and Officers in the Department to champion the rights of the Princes, as some men of outstanding ability had done in the earlier part of the nineteenth century. Insight and sympathy were shown in those days by such men as Colonel Tod, who served us so well in Rajputana; Sir Richard Jenkins, in Nagpur; Colonel Walker, who made the settlement in Kathiawar; Sir Mountstuart Elphinstone, Sir Thomas Munro, and Sir Charles Metcalfe. After the Mutiny, however, men at the helm in the Political Department gave themselves up to a system, and with a few exceptions seemed to lose the sympathetic touch. Among the rank and file of our Officers the Princes sometimes found friends. Some Agents, also, have tried

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to liberalise our procedure; but the attempt generally makes them unpopular, and like all men who try to fight a system, they come to be regarded as cranks. The system, in brief, is that our Political Officers in supervising the Treaties interpose their authority between the Ruler and his subjects; interfere with the internal administration of the States; take possession of lands, and impose taxes; force the British Indian *régime* on Princes against their judgment, and diminish their sovereignty.

It is a difficult task to support such practices against contrary provisions in Treaties upheld by Royal Proclamation, and it was not long before Political Secretaries—or Foreign Secretaries as they were then called—felt the need of a philosophy to justify their irregular procedure. Various theories were propounded, one of which was that the transfer of the East India Company to the Crown implied a new subordination of the States. Another was that the Departmental interpretation of Treaty engagements had the effect of law, and constituted “Indian political law”, a phrase which was minted. When by the action of the Department the rights of a State under its Treaty were encroached upon, this breach was cited as a precedent for future conduct. In course of time it was felt that a collection of these encroachments would provide a body of case law, or usage, by which Officers might be guided in supervising the Treaties. The analogy predicated was that of the decisions of British Courts of Law in interpreting the provisions of Acts of Parliament. To warrant this analogy the Courts of Law would have to sit in secret, take no evidence, refuse

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defendants the benefit of counsel, and permit no system of appeal.

The man to make the desired collection of case laws was discovered in the Department forty years ago. This was Sir Charles Lewis Tupper, who specialised in Treaty lore, and had privately printed a brochure on the philosophy of the subject. At the request of his Chief he compiled a book of leading cases illustrating our political conduct towards the States. This work on "practice", which is jealously guarded, was issued to the Service confidentially, and is still the basis of the Department's policy. So Sir Lewis Tupper became the first High Priest in the Temple of this strange philosophy. The result of his ministrations was referred to in the Montagu-Chelmsford Report in 1918, where it is said, "there has grown up around the Treaties a body of case law which anyone who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text books". But the privilege allowed to Mr. Montagu or Lord Chelmsford is denied to others bent on exploration. For when the Princes asked to see a copy of Tupper's book so that they might instruct their Counsel, Sir Leslie Scott, on the vital issues submitted to the Harcourt Butler Committee, their request was refused by the India Office.

When the book was first prepared, Sir Lewis Tupper not wishing to hide his light under a bushel published in 1893 his work on "Our Indian Protectorate"; but although this contained only the non-confidential part of his investigations, it caused some perturbation. It embodied the

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broad policy of the Department, yet their Officers were not anxious to be identified publicly with sentiments held privately or even officially. The point of view advanced was calculated to shock public opinion. Tupper argued in so many words that all the States being "feudatory", a controversial expression, were subordinate to the Government of India, and he drew the inference that since that Government was created by Parliament, both Governments might do what they pleased with the States. The native rulers were agents, or great hereditary officers, for administering part of our varied possessions. There was much learning displayed, but these doctrines emerged too nakedly. So it was decided that another book must be written by an Officer of the Department to remove the impression that the Government of India considered that they might govern the States as they pleased.

The second High Priest to be chosen was Sir William Lee-Warner, who served in the Department, and was afterwards an influential Secretary at the India Office. His book "The Protected Princes of India", published in 1894, and revised in 1910 under the title "The Native States of India", professed to recognise the binding force of Treaties and agreements with the States; although its effect is to show that the Treaties are not binding. This is the paradox which the Political Department are obliged to propound when endeavouring to harmonise their practice with the Royal Proclamations. Queen Victoria announced that all Treaties and engagements made with the native Princes should be scrupulously maintained; her successors to the Crown renewed the pledge;

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and yet the Department have broken the Treaties. So Sir William Lee-Warner, although inspired to put a better face upon the matter than Sir Lewis Tupper, was obliged to balance upon a fence.

At the outset he duly lectured his colleague,—“If Sir Lewis Tupper’s arguments are to be taken seriously, they would warrant the conclusion that the native States being feudatories are British ‘possessions’, and this would assuredly nullify the solemn assurances given to their rulers.” But this said, he proceeded to explain that the Treaties “are subject to the fretting action of consuetudinary law”. “The judgments of the British Government upon issues raised with the Native States test the Treaties by the touchstone of practical application.” These judgments became “the established usage” and the source of rights, even if there were no tacit agreement. Moreover, the States were “members of the same family”, and therefore “as the necessity arose” any Treaty obligation imposed on one might be applied to all. By a study of all the Treaties taken together the Government arrived at “the customary treatment accorded to the leading sovereigns”. This was the practice of “extensive interpretation”. In support of the Department’s general policy towards Treaties Sir William invoked “the onward movement of mankind”, and in the end satisfied himself that the Paramount Power had the right to assert their jurisdiction “to a greater or less extent” in every Native State. Thus there was not much difference in essentials between his book and that of Sir Lewis Tupper, which in one respect was fortunate as the Poli-

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tical Department continued to instruct their officers in political practice by distributing to them Sir Lewis Tupper's secret work.

When the Ruling Princes at length challenged the practice of the Department, it was necessary to find a third High Priest of the Temple. The spiritual descendant of Sir Lewis Tupper and Sir William Lee-Warner was discovered in Sir Harcourt Butler, who was for some years the Political Secretary in India, before he became a distinguished Governor, and who is imbued with the traditions and policy of the Political Department. Appointed Chairman of the Committee to adjudge the practice of his old Department and the Treaty position, he may be said to have brought the Lee-Warner doctrines up to date. The report of his Committee shows clearly that the Chairman was able to impress his counsels on his two colleagues, one a financier and the other a Professor of English law, for the document is saturated with the theories of the Political Department. In one matter Sir Harcourt Butler's Report corrects Sir William Lee-Warner, just as Sir William in the past had corrected Sir Lewis Tupper, each High Priest showing in turn a deeper knowledge of the mysteries. The Montagu-Chelmsford Report in 1918 jibbed at the Lee-Warner doctrine of reading all the Treaties together,—“extensive interpretation”,—so the Harcourt Butler Report disavows it as being “a doctrine to which there are obvious objections in theory and in fact”. It has been the practice of the Department to act on this doctrine for forty years, but no suggestion is made for remedying the resultant



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injustice. On the contrary, the Harcourt Butler Report upholds all that has been done because it can be equally well defended by the doctrine of usage or case law.

The Report says the "Treaties are of continuing and binding force as between the States which made them and the Crown"; but this is lip-service, for "usage has shaped and developed the relationship", and usage and sufferance "have been a constant factor in the interpretation of these Treaties, engagements and Sanads".<sup>1</sup> Usage "lights up the dark places of the Treaties", whether or not there is underlying agreement, for "in the Indian Constitution an acknowledged supreme will decides every question which arises", a dictum of Professor Westlake's which is adopted. Sir Robert Holland, also at one time a Political Secretary, is cited by the Committee in witness of this divine right of paramountcy. We are reminded that Sir Robert explained to the Princes in 1919 that the "constant development of constitutional doctrine under the strain of new conditions" had not been inspired by any desire to limit their sovereign powers; though he admitted that the body of usage influencing the relations with the States had come into force through "a process which, though benevolent in intention, was nevertheless to some extent arbitrary". How arbitrary it might be he was himself to show two years afterwards at Udaipur, when he was Agent to the Governor-General in Rajputana. But, as the Harcourt Butler Report has it, paramountcy "must fulfil its obliga-

<sup>1</sup> For a note on Sanads, see Appendix D.

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tions, defining or adapting itself according to the shifting necessities of the time, and the progressive development of the States". The Report makes a present to the Princes of one thing, that whatever changes are made in the Constitution of India, their relations shall be with the Crown, with whom the Treaties were made. The corollary of this recommendation, however, is that the Treaties will be supervised as heretofore by the Political Department.

The Princes have welcomed the declaration that the relationship of the States is with the Crown, and cannot be transferred without their consent to any Government responsible to an Indian legislature; but their contention remains that this relationship should be determined before changes in the Constitution are made. The Harcourt Butler Committee, on the plea that they were not a judicial body, first refused to report on the evidence placed before them of breaches by the Political Department of Treaty rights, and then embraced the doctrines which that Department advance to justify their practice. The Ruling Princes feel that they have constitutional rights within the Empire which are endangered, and that now is the time, when constitutional changes are in prospect, to assuage their anxiety, and to determine the mutual rights and obligations which must be observed. Secrecy has clogged all their efforts to obtain redress. They sought agreement through the Standing Committee of the Chamber, but were foiled. When they submitted their case to the Harcourt Butler tribunal their evidence was heard behind closed doors; it has not been published, and

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was referred to in the Report only to be dismissed as ancient history.

This history is being written to-day. Five months after the institution of the Chamber of Princes, in July 1921, the Maharana of Udaipur, the most venerated ruler in Hindustan, was shorn of his powers and virtually deposed by an Agent and a Resident, in flagrant breach of all Treaty rights. But for the loyalty to the King-Emperor of this famous Prince, the wrong done would have been blazoned throughout India in the year of the Prince of Wales's visit. The case of Udaipur if it stood alone would be inexplicable. But the dealings of the Political Department with the States provide cases of injustice equally fantastic, such as the suppression of the salt trade in maritime States, the deposition of the late Maharaja of Kashmir, our acquisition of the province of Berar, and other actions now related. Such things are not condemned, only because the facts have been hidden. It is the system which is at fault, for the Department do not supervise, they govern, and their government is arbitrary because it is divorced from criticism and control. This is their "practice", when it is stripped of casuistry. It remains to be seen whether this system of governing our relations with the States is to be perpetuated under the changes contemplated in the Indian Constitution.

It is not easy now to commend the disregard of Treaties to Englishmen. Few things stirred public feeling in England more at the outset of the Great War than the brief words exchanged between Herr von Bethmann-Hollweg and Sir Edward Goschen: "Do you mean to say that you are

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going to make war for a scrap of paper?" "Unfortunately, Sir, that scrap of paper contains our signature as well as yours." The view in Britain was that we fought not only in support of our Allies, and for our national safety, but for the sanctity of Treaties. In India, perhaps, a shadow from the past chills the warmth of this sentiment for Treaties. The old controversies that arose before our Empire was founded have been laid, and the names of Clive and Warren Hastings are honoured by us to-day as if they were Elizabethans. They were great men, moving in a world of unbounded adventure, and we have cleansed their records of many calumnies. But after they had passed, a chapter in our annals was written by lesser men, who by trampling on Treaty rights in Sind fostered the spirit of dominance in our Political Officers.

### CHAPTER III

## THE RUTHLESS PAST—SIND

The coast of Sind between Cutch and Baluchistan is a series of mud banks and swamps, a desolate shore where the Indus from many mouths pours its turbid waters into the sea. The sand and silt in the delta has been washed down from a huge expanse of flat country. Sind is another Egypt—without the monuments—and the Indus another Nile, draining far countries before it reaches the low alluvial plains. Here, the broad river is the source of death as well as life, for the Indus has not yet been dammed, though a great effort is being made at Sukkur. It has many a crooked winding, and when swollen by flood, after the monsoon vapours have gorged its high sources in the Himalaya, it straightens its course, sweeps away the banks, and spreads destruction. Flood and earthquake in the past have forced the Indus hither and thither, and traces of old cities are found near dried up channels. It has changed since Alexander saw it. In the days when we coveted the country there were three kingdoms whose rulers were allied by kinship and interest—Lower Sind, Upper Sind, and the south eastern strip, Meerpore. Vast tracts were unexplored, but all Asia knew the upper valley was fertile. In Upper Sind, which was known as Khairpur,

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irrigation was developed, there were double harvests, and teeming flocks. To the central Asian mart at Shikarpur, the chief city, three hundred miles from the coast, came caravans from Khorasin and Turkestan, which traded in silks and spices with merchants from Rajputana. But to the north the Sindis tried to close the Indus, fearing the Sikhs of the Punjab, while on the coast they shut the river mouths, fearing the British. Along the lower reaches of the valley the Ameers kept extensive hunting jungles. The Indus was a potential waterway which was denied us. "What immense produce might burthen this running sea", cried Sir Charles Napier, when he took control.

For its reputed wealth Sind was raided by the Persians, Baluchis and Afghans, threatened by the Sikhs, and seized finally by the British. But it is a country that disappoints the European traveller. Here he will find no lofty citadel, no gleaming temples, and enchanted ruins; all the stage scenery we are prone to expect in India is conspicuous by its absence. For two hundred miles up river the prospect is dreary. The hills that sometimes break the sky-line are low and barren. The wide flat landscape at dawn may be splashed with crimson and azure, but soon in the fierce heat it seems a stretch of sun-baked clay or sand. The eye is more often dazzled by glaring wastes of desert than relieved by the river's intermittent verdure, the maize fields or stunted jungles. The country was dubbed "The Unhappy Valley" by Sir Richard Burton in an early and uninspired book. In this, after depicting the Sindhi villages of mud huts, and the Baluchi soldiers and land-owners in the back-

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ground, he suggested that they reproduced England in the time of the Saxons and Normans. The analogy is interesting, but imperfect, since the towns were thronged with the off-shoot of other races—Hindu, Persian, Jat and Afghan.

A more engaging travel book, despite its inaccuracies, was written by Alexander Burnes, the promising young officer who was commissioned to voyage up the Indus in 1830 with a gift of blood horses from the King of England to Ranjit Singh, the "Lion of the Punjab", and the covert intent to map the river and take soundings. The vessel Burnes had chartered was ransacked for arms by furious guards, and he was twice turned back. The Ameers of Lower Sind, chief of whom then was Mourad Ali, and his son Noor Mahomed, sent envoys from Hyderabad, their capital city, to fob him off with a story that the river was strangely beset with quicksands, rocks and whirlpools. Hyderabad on the lower Indus, where the Ameers took anxious counsel over the stranger's visit, is a thousand miles from the other Hyderabad, the Nizam's capital. When at length Burnes prevailed, he was given as a propitiary offering, flat bottomed boats for his journey. It is recorded that a Baluchi soldier who watched the flotilla on its way, cried, "Alas, Sind is now gone, since the English have seen the river, which is the road to its conquest."

The traveller received a warmer welcome from the venerable Rustum Khan, the chief Ameer of Khairpur, who feasted him, exchanged gifts, and expressed great

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regard for England. Rustum Khan had learnt in Upper Sind to speak softly to strangers within his gates, for his kingdom lay closer to danger than that of his fierce cousins of Hyderabad. In the near past the Afghans had raided Shikarpur, on which Ranjit Singh from the Punjab now cast greedy eyes. Burnes, when he returned from his successful mission to the Punjab, brought back a glowing tale of the Indus which so fired the imagination of our mercantile community that a steam navigation company was formed in England, and an agent despatched to Bombay to forward the project. Nothing came of this, but the Government of India felt that the time had come to press for trading facilities. The country had been closed to us for half a century, since the East India Company relinquished the attempt to keep an up-river trading station at Tatta, the ancient capital. So Lord William Bentinck sent Colonel Pottinger, our Resident at Cutch, to the Ameers to try and negotiate a Treaty. Rustum Khan consented to open the river to our trade on whatever terms might be agreed with his cousins of Hyderabad, to whom he deferred. He signed a Treaty to this effect; but Mourad Ali was very loath to agree, and laid down strict conditions. The terms were signed on April the 20th, 1832. The first Article declared that the friendship provided for in former Treaties should be binding from generation to generation.<sup>1</sup> The Treaty proceeded:—

<sup>1</sup> In 1809, when we were at war with Napoleon, we made a Treaty of "eternal friendship" with Sind, when the latter engaged to keep out of their country "the tribe of the French".

In 1820, we secured a supplementary Treaty of "perpetual friendship" under which Sind undertook not to admit Americans, and not to raid our borders.



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II. That the two Contracting Powers bind themselves never to look with the eye of covetousness on the possessions of each other.

III. That the British Government has requested a passage for the merchants and traders of Hindustan by the rivers and roads of Sind, by which they may transport their goods and merchandise from one country to another; and the said Government of Hyderabad acquiesces in the same request on the three following conditions:—

- (1) That no person shall bring any description of military stores by the above river or roads;
- (2) That no armed vessels or boats shall come by the said river;
- (3) That no English merchants shall be allowed to settle in Sind, but shall come as occasion requires, and having stopped to transact their business, shall return to India.

A supplementary Article provided that the tolls on merchandise and goods imported by the Indus should not be varied arbitrarily, and that a moderate scale should be agreed with the English.

Mourad Ali died a year afterwards, the last of four brothers who had reigned in amity together in Lower Sind, being known as Char Yar, the four friends. Four Princes succeeded them. The second generation, as sometimes happens, were not so loving, but they held together. Noor Mahomed, Mourad's eldest son, by the force of a vigorous mind and personality, took the lead in their counsels. Nusseer Mahomed, his brother, had the easy nature that often goes with corpulence, and was

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popular, despite the fact that he had turned adrift the tenants of two villages to make a new hunting jungle, as his forbears had done before him. The Ameers, though they seemed to live for the hunt, also dispensed justice to the people, and Nusseer was lenient in his judgments. Noor and Nusseer shared their throne with two cousins. In the north Rustum Khan and his brothers belonged to the older generation which had founded the dynasty. The Ameers were Baluchi Chiefs of the Talpur tribe, who, when the country was rent by feuds and raided by northern enemies, headed a rebellion and defeated the Afghans in 1786. For some time after, the Kings of Kabul tried to enforce the payment of a tribute from Sind, but it was resisted.

In the first act of the drama now unfolding a prominent part was played by an old actor on the stage of India. Shah Shuja, the Afghan, once held the throne of Kabul for several hazardous years, and welcomed a British mission at Peshawar in 1809, before he was overthrown. In exile he could never reconcile himself to his misfortune, and feeling that the world owed him a throne, spent thirty years in strife and intrigue. Until we espoused his disastrous cause in the first Afghan war his adventures had been unavailing and absurd. He had led men to defeat, exchanged one prison for another, and escaped from Lahore, through the main sewer, to find a refuge as our pensioner at Ludhiana on the Punjab frontier. Like other pretenders, Shah Shuja was generally surrounded by refugees and retainers, who lived on hope and were fortified by an occasional *douceur*. Dignified

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in mien, and affable and specious in his dealings, he was a liar and boaster—the shell was hollow, he had no kingly qualities. He returned to Lahore towards the close of 1831, although on his previous visit the wily Ranjit Singh had cheated him of the Koh-i-noor diamond, the last relic of his former pomp, and imprisoned him. Treachery is more easily forgiven in the East, and he was soon fraternising with his old gaoler, and busy devising another expedition against the Afghan Princes.

Maharaja Ranjit Singh, our formidable ally, who had welded the rival Sikh confederacies of the Punjab into one fierce Puritan brotherhood, still swayed them by his genius of command, though he was aged by drink and debauchery, and now looked like “an old mouse with grey whiskers and one eye”. As Hindus, albeit with a new theocracy, the Sikhs asked nothing better than to be led against their Muslim enemies in Afghanistan. Ranjit Singh had already wrested Kashmir from the Afghan factions; but a force strong enough to set Shah Shuja on the throne as his puppet required much money, and being avaricious he offered him a Treaty, but no cash. Shah Shuja, having failed also to raise any money with Indian bankers, then turned to Captain Claude Wade, our Agent for the Sulej frontier, who had long been flattered and beguiled by the royal exile’s plausibility. He persuaded Wade that as the Sindis used to pay tribute to Kabul, he could get money from them if only he could muster sufficient troops to occupy Shikarpur. Thence by the Bolan pass was the best route to march his men to Kandahar, while Ranjit Singh could strike up through

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Peshawar to Kabul. Wade, who was the type of amateur king-maker, actually commended part of this scheme to Lord William Bentinck, the Governor-General. The latter, however, enjoined the strictest non-interference, but was imprudent enough to grant Shah Shuja an advance on his pension.

With this encouragement the adventurer gathered together 2,000 soldiers, some of the Sikhs joining him, and as a preliminary signed the suggested Treaty with Ranjit Singh. This document was lavish in distributing the fruits of hypothetical victory, and Ranjit Singh, with his usual cunning, inserted an article which was designed to compromise the Government of India and draw them into the scheme. The two conspirators in this article agreed that if Sind were conquered they would leave the settlement of its fate to us, in view of the British alliance with the Sikhs. Captain Wade was taken into confidence, and mentioned in the Treaty as the happy embodiment of British friendship, which so pleased him that he kept silence when he ought to have spoken. It was not till the rumour of our support swept through the bazaars that Lord William Bentinck heard of it, and issued an emphatic denial that we had entered into any such arrangement. Shah Shuja's force arrived at Shikarpur and took possession of the city, which lies twenty miles from the Indus, without striking a blow. There were floods in the valley, and it was long before the Ameers could join their forces. When at last they attacked the Afghan, some ill fate palsied their arms, and they lost the battle. They then sat down to a protracted course of negotiations, and finally

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bought off Shah Shuja for eight lakhs of rupees.<sup>1</sup> This was just what he wanted, and having presented each Ameer with a copy of the Koran in which he wrote his oath renouncing all further claims on Sind, he marched away to the Bolan pass, and later was utterly routed outside Kandahar. On the northern line of advance Ranjit Singh captured Peshawar, which was the net result of the expedition.

Two years later, in 1836, Ranjit Singh, still hankering after British support in an attack on Sind, invaded the country, and after capturing several forts, asked the Governor-General to co-operate by sending him 50,000 muskets up the Indus. Lord Auckland was now installed, the shallow and obstinate Governor who was to involve us in the disaster of the first Afghan war. As yet he had not been drawn into the vortex of European alarms, and he dealt with the question singly. We had no desire that the masterful Sikh should enhance his power, and it was in any case against our Treaty to send arms up the Indus. So we persuaded him to withdraw his forces, and as the price of our good offices pressed the Ameers of Lower Sind to receive a British Resident at their Court. This proposal they strenuously resisted for a time, and it was not till 1838 that they agreed, when a short Treaty was signed by Noor Mahomed and his brother to ratify the arrangement. But when in April of that year Colonel Pottinger went to Hyderabad as our first Resident, the world had changed.

<sup>1</sup> £80,000. Before the drop in the value of silver a lakh of rupees was worth about £10,000. The current value is about £7,500, and that of a crore £750,000.

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It would be superfluous to throw upon the screen the phantasmagoria of the first Afghan war—that tragic act of folly and futility which all have condemned. But to elucidate the minor tragedy of Sind a few words are necessary. European statesmen had long lived in the atmosphere of wars and dangers, and now that Napoleon was dead Russia had become to us a looming menace. Lord Palmerston believed Persia was the catspaw of Russia. He predicted an advance on India through Afghanistan, and urged swift precautions. Sir John Hobhouse, presiding over the Board of Control, the body which Pitt devised to link the East India Company with the Government of the day, translated this into direct interference in Afghanistan. These fears were extravagant at that time, but it became the business of Lord Auckland to uphold Afghanistan as a buffer State, as with more reason it has been the duty of later Governors. At first he considered, rightly, that the solution lay in friendship with Dost Mahomed, the shrewd and forceful Afghan leader who was in the ascendant. But Ranjit Singh hated him, and so we first discouraged and then antagonised Dost Mahomed. Decisions seemed imperative when the Shah of Persia marched his army to the siege of Herat, accompanied by a Russian envoy. A counter demonstration was arranged in the Persian Gulf, and Lord Auckland pondered the possibility of a Sikh conquest of Afghanistan with the aid of British officers.

Ranjit Singh, however, would not move alone, and Lord Auckland sought for other expedients. From stage to stage his slow mind was made up for him by a busy

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coteric of Secretaries and Political Officers. William Macnaghten, the Political and Foreign Secretary, and Wade, the Agent, with some eagerness suggested that Shah Shuja should be put on the Afghan throne as a subsidised monarch and ally. This seemed a flash of light in the darkness, and the abortive Treaty between Ranjit Singh and Shah Shuja was recalled by Wade, who vowed the gasconading exile would be popular in Afghanistan. Macnaghten, who had already drafted proposals for a Sikh expedition at the expense of Sind, and with advantage to ourselves, was despatched to Lahore to ask the Maharaja of the Punjab whether he would like us to become a partner to his dual Treaty, and tighten up its provisions. "This would be adding sugar to milk", said Ranjit Singh. In a few weeks we were committed to the enterprise and had signed a "Tripartite Treaty", and soon after it became evident that to ensure success a British army must co-operate. Ranjit Singh disliked the idea of our troops marching by the direct route through the Punjab, though he agreed that a Sikh contingent should advance from Peshawar through the Khyber pass. The Governor-General then decided that our army, and Shah Shuja's, must march to attack Afghanistan through Sind.

It was only six years since we had undertaken that no military stores or armed vessels should enter Sind, but Lord Auckland, like other weak men, when his indecision had once been overcome, displayed in action violence instead of strength. He issued the following instruction to Pottinger at Hyderabad, through Macnaghten :—

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“While the present exigency lasts, you may apprise the Ameers that the Article of the Treaty with them, prohibitory of using the Indus for the conveyance of military stores, must necessarily be suspended during the course of operations undertaken for the permanent establishment of security to all those who are parties of that Treaty”. It should be noted that the Article forbade the use of roads as well as the rivers for military purposes. A pronunciamiento was also sent to the Ameers of Sind in which they were told how a crisis had arisen in which all real friends were adjured to stand forth unequivocally. They were referred to the old Treaty between Ranjit Singh and Shah Shuja, and told that we had adopted it, with the addition of four Articles.

Pottinger's unhappy duty was to explain to the Princes that these Articles demanded their payment to Shah Shuja of ten lakhs of rupees in satisfaction of all his arrears of tribute and claims of supremacy over Sind; and fifteen lakhs to Ranjit Singh,—in all £250,000. Also that an army should march through Upper Sind, and be joined at Shikarpur by another army to be landed at the mouth of the Indus, both on their way to Kandahar. Boats, camels, grain, and good-will would be required, the first three to be punctually paid for “agreeably to the custom of the British Government in friendly countries”. The Ameers were smitten with dismay, and their Baluchi generals were furious. They ridiculed any claims over Sind of Shah Shuja, who had been dethroned for thirty years, and scoffed at a tribute which Afghanistan had not been able to exact for a still longer period. As to



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Ranjit Singh, how, they asked, had he any claim but the lust of a conqueror? Finally, they produced two of the Korans in which Shah Shuja had written his oath that he would never make further claims on Sind. Pottinger, a forthright man, sent copies of the oath on the Koran to Lord Auckland, saying he could not himself see how this was to be got over. Macnaghten's reply was, "The Governor-General is of opinion that it is not incumbent on the British Government to enter into any formal investigation of the plea adduced by the Ameers". The result was that Pottinger was never able to give the Princes a straight answer on the question of Shah Shuja's tribute, which rankled in their minds.

Meanwhile, at the beginning of October, 1838, Lord Auckland exploded his bombshell in the Simla manifesto to India, in which it was explained at great length that every consideration of "policy and justice" warranted us in espousing the cause of Shah Shuja, and that we must defend Afghanistan from the dangerous attack on Herat. The siege of Herat had already been raised by the Shah of Persia, who was marching his army six hundred miles back to Teheran, but news travelled slowly in those days, and the world did not learn this ironical circumstance till a fortnight later. The Ameers of Hyderabad, for their part, temporised in sullen anger while they took counsel together. The youngest of the four, Sobdar favoured submission to the British. He was poor while the others were rich, for he had only recently been called to the throne. Their kinsman, the Prince of Meerpore, was for fighting, but his southern country stretching away from

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the Indus by sea and salt marsh gave him an advantage. Noor Mahomed urged that all should act together, and co-operate with Rustum Khan in Khairpur, to whom he sent letters. The camels hurrying north bore another message, a blunt warning to Shah Shuja that his straight road was through the Punjab, and that he would be opposed in Sind. Their old enemy could afford to shrug his shoulders at this, for at Firozepore, where from any and every source he was collecting troops, our "Army of the Indus" was also mustering. And to prepare the way for this Bengal army, and establish grain depôts, came an envoy to Rustum Khan—Alexander Burnes—eager to detach the old Prince from the Hyderabad allegiance by means of a separate Treaty. So for a time Noor Mahomed's letters were evaded, while Burnes dilated to Rustum on the strength of the gathering armies, and the need for the temporary cession of his great island fortress of Bukkur, some twenty five miles east of Shikarpur, while England would take Khairpur under her protection.

The first troops on the scene were the Bombay contingent, 5,000 strong, under General Sir John Keane, which landed at the mouth of the Indus at the end of November. There they had to camp, for the Ameers, while making suave promises of transport, secretly put many difficulties in our way. We could get boats, but no camels. This was resented by Lord Auckland, who had also learnt of the letter to Shah Shuja, which he regarded as an insult. Pottinger now sent Macnaghten a copy of a letter which Noor Mahomed was supposed to have written to the

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Shah of Persia. The letter expressed the hope, in terms of Oriental hyperbole, that Islam might be delivered from wicked infidels, and that the Shah's affairs might prosper; but Pottinger thought it a forgery, probably circulated by Sobdar as an intrigue against his kinsmen, who were of a different sect in the faith of Islam. The Resident's belief that it had no political significance did not, however, commend itself to Macnaghten, who seized on it as an excuse for vigorous action, and persuaded Lord Auckland to take the same view. Thereafter Pottinger received a stream of instructions,—that the Ameers should be forced to accept separate Treaties of subjection, that they should be deposed, and the throne given to a descendant of an older dynasty who had been discovered, with other strange proposals,—to all of which the Resident was obliged to reply that he could take no hostile measures till an army was at his back.

In December Shah Shuja, with a force of 6,000 mixed troops under British officers, advanced from the Punjab to Shikarpur. Here, at the "royal camp", he was joined by Macnaghten, who as a reward for his counsels as Political Secretary was appointed envoy and minister to Afghanistan, and was already ambitious to play an important part in the politics of Central Asia. The Bengal army, of 9,500 British soldiers, made slower progress, for they were hampered by 30,000 baggage camels and 38,000 camp followers. A larger force was contemplated, but it was deemed advisable to leave a strong reserve behind. By Christmas, as this army approached Khairpur, Burnes secured the separate Treaty of protection with Rustum

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Khan, though the old Prince wept at the cession of his island fortress, and opposed its occupation as long as he dared. The fort of Bukkur in mid-stream lay between two towns on the Indus' banks, Sukkur and Roree, and a native refrain was adopted with glee by our soldiers,—“Go to Sukkur, Bukkur, Roree, brother”. It is the only gleam of humour to be found in these annals. But it was a death-knell to the hopes of Noor Mahomed, who had counted on the Bukkur fortress to hold the north.

Now, in the south, Sir John Keane, having obtained camels from our ally the Rao of Cutch, advanced on the right bank of the Indus to within striking distance of Hyderabad. And Pottinger was instructed to demand forthwith from the Ameers Treaties of subordinate co-operation under which we should control their foreign affairs, and station a permanent British force of 5,000 men at Tatta. Towards the up-keep of this force £30,000 was to be paid annually. Karachi was to be occupied; all tolls on the Indus were to be abolished; and the payment already required of £250,000 to Shah Shuja and Ranjit Singh was to be exacted. A draft of these proposals was sent to the Princes, and Pottinger, feeling anxious as to the result, urged that a detachment of the Bengal army should be marched down the left bank of the river towards Hyderabad.

A Durbar was held at Hyderabad on January the 22nd, 1839, to discuss the proposed Treaty. Colonel Pottinger stayed in the British camp, and sent his assistant, Lieutenant Eastwick, to represent our Government. Major Outram, *aide-de-camp* to the General, went with him. On their way to the palace they found the streets thronged

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with hostile Baluchis. At the outset, Noor Mahomed, who acted as spokesman for the Princes, took from a casket the three Treaties of friendship with England and holding them forth asked, "What is to become of these?" Lieutenant Eastwick said the new Treaty would confirm them, apart from modifications in the new provisions. "It is always something new", said the Ameers. "Your Government are never satisfied. We are anxious for your friendship, but we are continually persecuted. We have given a road to your troops, and now you wish to remain. This the Baluchis will never suffer." When during the discussion of the Articles it appeared that the Governor-General reserved power to increase the permanent British force, or station it where he chose, Noor Mahomed broke out with a passionate exclamation—"Ah, we ought never to have granted a road through our country. That was my act alone, and all the Baluchis foretold what would happen. This is the consequence of friendship!"

Lieutenant Eastwick's reply had a flavour of the debating society. It was the lack of friendship in the Ameers which had brought them to this pass. "The Empire of India is in the hands of the British; we have the power to reward our friends, and to punish our enemies." Sind would benefit from the British force. There would be more employment for the people, more capital for commerce. The Indus would teem with vessels, and the jungles would yield to the plough. The last phrase enraged the Ameers, and Noor Mahomed, "with compressed lips, his countenance betokening the tumult of his mind", cried,—“All that may be very true, but what benefit do

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we derive from these changes? You say our hunting preserves will be destroyed. Then you talk about the people. Our contractors say they are bankrupt. Trade is at a stand, a pestilence has fallen on the land. You tell us the country will flourish. It is good enough for us as it is, and not so likely to tempt the cupidity of its neighbours. Hindustan was rich, and that is the reason it is under your subjection."

Our design to take possession of Karachi was denounced with anger. Already this was the seaport of Sind, and gave some promise of its future greatness. Eastwick stated that reserve troops for Karachi were now at sea, which evoked the sneering response from Noor Mahomed,—"You think you may do as you like, but we will never agree to this". It being now sunset the conference broke up, the Ameers reserving their reply. As the English officers passed out Nusseer Mahomed was heard to mutter, "We are slain". But though some despaired, the Ameers swore to stand by each other, and to resist. All fighting men were ordered into the capital, and communications severed with the British camp. For Eastwick it was naturally an exciting experience, and during the next two days he wrote a long despatch in which he expressed his enthusiasm for the British policy. Commenting on Noor Mahomed's tirade against the proposed method of enriching his country, the young Lieutenant wrote: "It was useless to remind their Highnesses that the prosperity of the subject is the strength of the ruler. The commonest truths are beyond the grasp of their apprehension. They are barbarians of the rudest stamp. It is

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painful to the mind of a British subject, enjoying the blessings of British civilisation, British laws and British liberty, to reflect upon a nation languishing at this hour in such a miserable state of ignorance and degradation”.

The Lieutenant may be pictured as one who had left in England a home of gracious influences, embarking as a youth for India with little knowledge of his own country. For while his pen was busy the year was opening which was to see England convulsed with Chartist riots, when many half-starved men were imprisoned, and some killed, for agitation against their lot. Women dragged the coal-trucks in our mines; little children still laboured long hours in our factories; it was but a few years since men, women and children had been hanged for petty pilfering; and Ireland was starving. At the time when the Ameers were enclosing their hunting jungles, landowners in England seized the common lands and fenced the labourers out; Sydney Smith fulminated against spring-guns and man-traps, and poachers who escaped them were sent to Botany Bay; while in Scotland landowners evicted the crofters from sheep grazing farms and dumped them on the coasts. It will be seen that there were some debating points to be made by the Princes had they been well instructed.

In the British camp, Sir John Keane, awaiting a reply to our ultimatum, made preparations for an advance. The camp was menaced, our soldiers twice standing to arms at dawn. Parties of armed Baluchis were seen flitting across the plains, for all available guns were being centred behind the “bricky towers” of Hyderabad. The Prince of

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Meerpore gathered his army, and when it arrived he managed to plunder our grain depôts. At the same time, by an odd coincidence, Shah Shuja was plundering the town of Larkhana, for troops were moving down from the north to Sir John Keane's support, despite the opposition of Macnaghten. The new envoy and Minister fumed at the thought that "the grand enterprise", as he called it, "of restoring Shah Shuja to the throne" should be delayed, and suggested that we should ask Ranjit Singh to deal with the refractory Ameers. Perhaps it was due to this ill humour that he bequeathed to posterity his opinion that no civilised beings had ever been treated so badly as were the British by the Princes of Sind. But there was little cause for his vexation. Scarce a week passed before Baluchi camel-riders speeding along the left bank of the river brought news of another army nearing their capital. It was a force 6,000 strong detached from the Bengal army, and led by Sir Willoughby Cotton. The game was up. Caught in a vice, the Ameers yielded, and signed the new Treaty of subordination. In a day or two the money began to flow from their Treasury, and 3,000 reserves arrived at Karachi and captured the fort, thus guarding our communications.

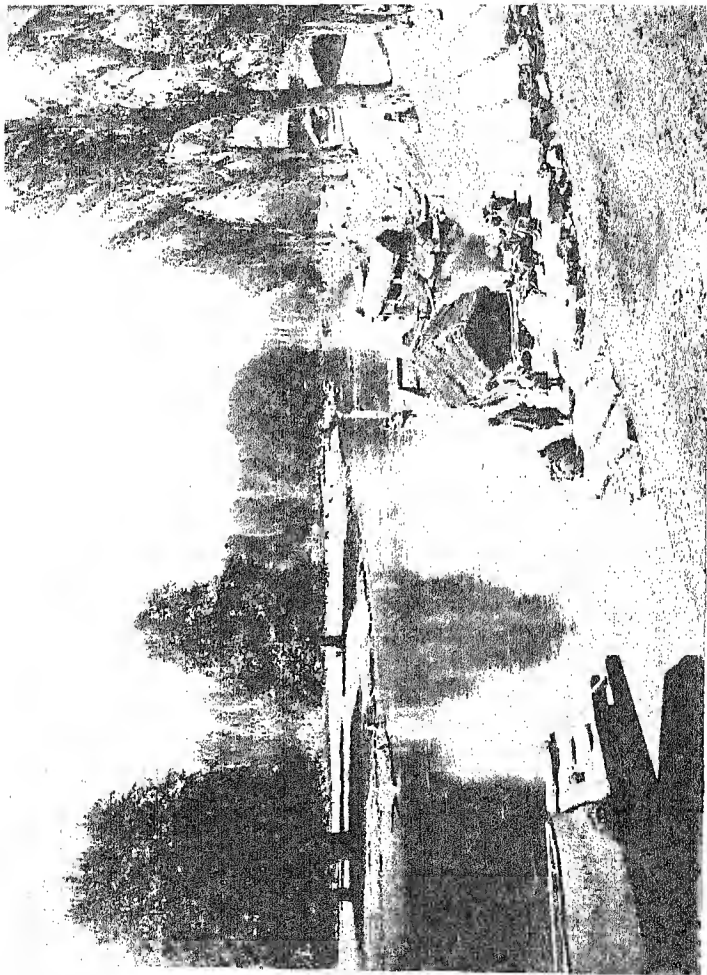
So our army of the Indus, at length united, and the puppet King with his motley troops, soon marched away on the road to Kandahar, and vanished from this story. How, after long travail in the cities and mountain passes of Afghanistan they were all to die, save one man who came sorely wounded to Jelalabad; how another British army was despatched to avenge them, and Dost Mahomed



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regained his throne; and how Lord Ellenborough sent Sir Charles Napier to Sind, and the Ameers lost their country for ever, is another and a more poignant drama. This is the history of the Treaty with Sind, and its violation by our Governors and Officers. High and low, all were involved in that misdeed, and Macnaghten, Wade and Eastwick exhibited the mentality which prevailed among those who were presently to create the Political Department which deals with the States. Their arbitrary spirit was to persist, as will be seen from the records of Kashmir.





A SCENE IN KASHMIR'S VALLEY

#### CHAPTER IV

### FIFTY YEARS AFTER—KASHMIR

Fifty years passed, and to guard against the Russian menace had become a pivotal policy. We had fought another war with Afghanistan, and strengthened our hold on its policy, but along the north-west frontier were *other mountainous regions which might be invaded*. Holding sway over these was a State with which we were allied, Kashmir, whose romantic valley is a legend. Hemmed in by dark ranges of the Himalayas, Kashmir has been for centuries a microcosm of the racial conflicts, and ravages of Nature, from which India has suffered. In its isolation it has suffered intensely, and feuds have been fought out there as in a prison house, with warders guarding the southern hills to shoot down fugitives to the Punjab. It is seldom that visitors who go to the "Happy Valley" for sport, or health, or pleasure recall its history, or realise that the snow-capped mountains which look so charming when mirrored in the lakes hold the threat of flood and pestilence. The green and fertile plain has been likened to an emerald set in pearls. The air is soft, the gardens by the water-side enticing, the scene magical. Europeans sometimes ascribe the amenities to British influence, and it is very true that the land settlement

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carried out by Englishmen brought security, order, and the hope of happiness to the country; but these results would have followed if we had never laid hands on the State.

If any wish to know why to-day Muslim and Hindu cannot agree to a form of government which may give one race the upper hand, they might seek the answer in the States as well as British India. In Kashmir in early days the Hindus flourished, till the Tartars came. Moghals oppressed the Hindus, Pathans tortured them. Then, when the Hindus had their turn, and the Sikhs under the ægis of Ranjit Singh seized Kashmir, the Brahmans fastened their grip upon the country, and with officers in every village to enforce exactions, reduced the Muslim cultivators to serfs. After the death of Ranjit Singh, and our first war with the Sikhs in 1846, the terms we imposed on them included the cession of Kashmir. The country was too remote then for us to occupy, and accordingly we sold the right to keep it, if he could conquer it, to Gulab Singh, the Dogra Governor of Jammu, who had held aloof during the war, and acted as mediator in making peace. Jammu adjoins Kashmir on the south, and the two became one State which by our Treaty we transferred and made over "for ever in independent possession to Maharaja Gulab Singh, and the heirs male of his body"; while he engaged to help us with his army in time of need. He paid us £750,000 for Kashmir, and at the outset we helped him to quell some Muslim opposition. He was a stout soldier, however, as were all the Dogras of Jammu, and a stern ruler, and when in

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the saddle he controlled the country. Not long afterwards, in the final Sikh war, we annexed the Punjab, a great extension of our dominion which proved to be beneficial. With the Punjab in our possession it would, of course, have been easier to dominate Kashmir. The Political Officers were vexed that the State had not been annexed in 1846, although then it would have been impracticable, and on our side this chagrin continued to lurk in the back-ground.

Gulab was tolerant towards his Muslim subjects, but the Brahmans, or Pandits as learned Hindus are called, had already captured the machinery of local government and taxation. As long as he reigned their rapacity was held in check; but he provided them with a formidable engine for future oppression when he founded in Srinagar, the quaint Asiatic Venice, granaries in which he stored the unhusked rice of the country to take toll of it. Ranbir Singh, who succeeded his father in the Mutiny year, when the State gave us loyal help, was a man of enlightened mind, but too amiable to rule the Pandits with a rod of iron. As officers of the State in city and village they seized the produce, intercepted revenue, and multiplied taxes, so that as a class they lived in idleness at the expense of the peasants, and of the Prince. There was little labour for transport, and the local officers often impressed the villagers under the *corvée* system, which was a sore hardship. A succession of poor harvests in the rice fields made the lot of the cultivator still worse.

Ranbir Singh, though he lacked the force of character to stamp out abuses, strove to better the condition of

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his people; he introduced vines from Bordeaux, and hops from England, and at great cost tried to revive the silk industry. Then, from October, 1877, came two years of appalling famine, such as had not been known since Sher Singh's famine in 1831. From this disaster the country has never really recovered. In the case which we afterwards made out against the State it was said that the famine was due to misrule. Certainly its effects were aggravated by the misrule of the officials. The peasants had no stores of grain, and in Srinagar the Pandits filled their bellies for a time while half the shawl weavers died. But the Pandits were not responsible for the desperate plight of the shawl weavers, whose trade with Europe had been ruined by the Franco-German war. And even a Political Agent could not have stopped the early rains and snows which began to deluge the country in the winter of 1877, sweeping away the ripening harvests of rice and maize; or have saved in the spring the rotting crops and fruit trees. Ranbir Singh had built dispensaries, but floods swamped them, and the cholera raged. He emptied his Treasury to send grain to the starving; but three fifths of the people in the Valley died.

It was during these two years that the Paramount Power should have helped Kashmir; but we were busy, creating the salt monopoly, and fighting the second Afghan war. So only a few almshouses were built on the border, and some grain sent in from the Punjab, little of which reached the people. Yet we were not too busy to be concerned with Kashmir's strategic position,

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for at the time when the country was in such distress Lord Lytton was promoting a Treaty whereby the State was made suzerain of Chitral, to keep ward over the farthest northern marches. Kashmir's little feudatories on the north were in that eastern region of the Hindu Kush on which the limelight of Europe was to play when Russia moved troops towards the other side of this roof of the world. India's new scientific frontier had not then been evolved, but Lord Lytton had visions of extending British influence towards central Asia, and would fain have anticipated it. Not only Chitral, but Hunza, and Nagar, and other turbulent districts subordinate to Kashmir, were coiled in the mountain clefts below the Pamirs. Over these the first attempt was made, in 1878, to exercise direct control, when a Political Agent, Colonel Biddulph, was stationed centrally at Gilgit, where there was a Kashmir garrison. Later, the frontier tribes were excited by the Afghan war, and at its close the border for two hundred miles was seething like a cauldron. In the Gilgit section there was fighting between several Chieftains, but their affairs were soon settled. These frontier disturbances, however, coupled with the stories of the famine, were used by annexationists to raise a cry against Kashmir. Political critics, dominated by the Russian war scare, suggested in the Press that the Maharaja was disloyal, and that General Roberts had found papers implicating him at Kabul—or Chitral—it mattered not where. The point was that the northern frontier should be controlled by the Government. Under Lord Ripon this agitation



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was damped down, and the expensive infant Agency at Gilgit was withdrawn.

In the year of his death the Maharaja replied to his critics by offering troops for our service, as did so many of the Princes when the Penjdeh incident vitalised the threat of a Russian war. Ranbir Singh's declining years were saddened by the famine, and by a lingering malady, of which he died. The administration fell under the sway of a tyrannical Minister, Wazir Punnu, who imposed fresh exactions on the villagers. Fortunately this Minister died suddenly in Durbar six days before the Maharaja's death. Ranbir Singh had three sons, Pratab, Ram, and Amar, and made a favourite of the youngest, Amar, a very handsome lad. As a boy he was described by an observer at the Lahore Durbar as "a thing of beauty". Ranbir on his death bed, calling his sons together, enjoined them to live in peace, and adjured Pratab, his heir, to complete some good works he had begun. He then gave directions cancelling several harsh measures of Wazir Punnu's, his last thoughts being with his people.

The Political Department had been waiting for Ranbir's death, to fasten control on the State, thinking that it would be easier to take this step when a new ruler stepped into the saddle.<sup>1</sup> Some time before the Penjdeh incident they had taken up in earnest the organisation of a scientific North-West frontier, and Sir Robert Sandeman was making settlements with the tribes along

<sup>1</sup> Government of India's despatch, April 7, 1884, and Lord Kimberley's reply, May 23, 1884. Ranbir Singh died, September 12, 1885.

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the four hundred miles of what may be called the Afghan front, from Quetta to Peshawar. Through the Khyber Pass and elsewhere on this line, in the war with Russia, we should either march to the defence of Afghanistan, or encounter advancing Russian forces. But our control of the frontier was not complete, for we had discovered a little back-door for Russia in the far north where were Hunza, Chitral, and the other districts tributary to Kashmir. The monstrous arc of mountains, Nature's northern frontier, is gashed here with several criss-cross passes, through which it was possible if war broke out, that a thousand Cossacks might make their way into Kashmir's valley to spread the rumour that the British were outflanked. Such an enemy force could have been annihilated, but the moral effect was to be feared. So to control the tribes round Gilgit we sought to govern Kashmir.

It was no doubt a difficult problem for the Paramount Power; the safety of the whole of India might be jeopardised, so it seemed at the time, if we did not establish a frontier under our direct supervision. The simplest, and the fairest course would have been to make a fresh Treaty with the State, and in return for whatever might be conceded in the north to give such financial help as would enable its rulers to relieve distress and put their house in order. But the Foreign and Political Department chafed under Treaties, and wished to govern, believing that the need for reforms would be a lever. So it was agreed that when Pratab came to the throne a British Resident should be appointed to Kashmir endowed with

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exceptional powers, to be used especially in frontier matters.

Mr. Trevor Chichele Plowden, the Resident designate, arrived at Jammu, the winter capital, three days after the death of Ranbir Singh, and although no Council of State could be held before the thirteen days of mourning were over, during which period the chief mourner was in retreat, he insisted on seeing Pratab Singh at once. Ushered into the inner room of the Palace, he would not then deliver his unpleasant message to the Prince until several members of the Council were summoned. Later in the day the Maharaja, who had received the request for reforms with sympathy, sent a Councillor to ask Mr. Plowden what was meant by the "assistance of a Resident". Did it imply that the Resident would take an active part in the administration? The reply was that of the Officer who meant to rule—"He would give his advice if asked for; and on any point he thought proper unasked, and in this latter case would expect his advice to be followed". From his correspondence it is plain that Mr. Plowden was a self sufficient man, and a hearty annexationist. In his first despatch he informed the Government that although Pratab Singh promised reforms, he could not carry them out, and that the Council could do nothing even if they tried. It was the more necessary, therefore, that he himself should exercise "constant and heavy pressure, and material interference in details".

The Maharaja wrote at once to the Viceroy to acknowledge the message, admitting that the country needed

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reforms which he assured him it should be his endeavour to promote—it had been his dying father's injunction. But he protested earnestly against the appointment of a Resident with powers which contravened the Treaty transferring the State to the heirs of Gulab Singh "in independent possession", and begged that he should not be meddled with. Lord Dufferin replied that the Maharaja would be given ample time, and that the establishment of a Resident was not meant to be derogatory. The Government based themselves on the fact that Residents were provided for under some Treaties of subsidiary alliance, but these were not given the powers now proposed. Pratab Singh, though disturbed by the new development, proceeded with reforms which no one had suggested to him. Arrears of pay were wanted for the troops, towards which he made a substantial advance from the money left by his father; and when he formally took his seat in Durbar he announced seven immediate changes, abolishing exactions, and remitting taxes.

Soon after his accession a faction at the Court on whom the Maharaja looked askance thought to gain their ends by a plot to overthrow him. Knowing that Amar Singh had been the favourite of his father, these conspirators sought to make the young Prince their tool, believing that, if they could enlist him in their interest, they would be able then to place him on the throne. The conspiracy became formidable when the Prime Minister, Lachman Dass, joined in the intrigue. Rumours were circulated of the Maharaja's incapacity, and even his imbecility,—a frequent charge in an Eastern Court when mischief is

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afoot. These stories when they came to Mr. Plowden's ear were grist to his mill. His instructions gave him the power to interfere, especially in matters of frontier policy, but he did not find it easy, for from the moment when he had burst in on Pratab Singh at his devotions, in defiance of all etiquette, there was no love lost between the two. And he seemed annoyed that the Maharaja did actually try to reform the State, instead of living up to the character of incapacity which he had been given.

Only slow progress was possible, but what was done was sensible. The Maharaja asked for the services of five British Officers to revise the Accounts and Forests Departments, he put the revenue administration in better order, reorganised the Public Works and Medical branches, and last but not least, he determined on a land settlement throughout Jammu and Kashmir, which was the one thing needful to establish confidence and security among the villagers, and to promote cultivation. This work, all authorities agreed, would take five years to complete. It was begun in January, 1887, by Mr. Wingate, and Pratab Singh took a keen interest in its progress, and showed that he meant to protect the cultivators against the officials.

All this was far from leading to a control of the State which would enable the Government to assume suzerainty over the Gilgit districts, which was the course Mr. Plowden urged on the Political Department. The Government's view up to 1888 seemed to be that it might suffice for our purposes to organise a military force at Gilgit. But if there was a crisis in the State official views might be changed, and the Resident listened the more readily

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to the intriguers who were working to overthrow the Maharaja. Early in 1888 forged letters were circulated by the gang purporting to be written by Pratab Singh, in which it was implied that a treasonable correspondence with Russia was being carried on. It was the obvious weapon of the conspirator at that time. The Maharaja felt that the plot was thickening, and as a precaution he resolved to send his brother, Amar, into the country so that he might be removed from the influence of his enemies. He has left a picture of the scene between them.—

*"I twice resolved to order him to remove himself to his jagir (estate), and have nothing to do in the capital. On both these occasions, being informed of my resolution, he entered my room, where there was no one except him and myself, shedding childish tears, throwing his turban on my feet, promising all good-will and hearty loyalty for the future, and asking pardon as my dear brother and humblest slave. After all, he was my youngest brother, very dear to me; his lovely young face is still liked by me, and on both of these occasions my blood was naturally warm for him, and I was completely moved by his entreaties."*

There is no doubt the young Prince was sincere in his protestations, for he refused to have anything to do with the plot. But it was now the turn of Mr. Plowden, who fancied that his ends would be served if in some way it could be managed that Pratab should be superseded by Amar. Thinking he could make this change if he had the Government behind him, he wrote to his Department on March the 5th, 1888, reporting that Pratab Singh was dis-

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loyal and should be excluded from power, and proposing that Amar Singh should be made Prime Minister, with a British Officer "at his elbow to keep him straight". Alternatively, he suggested that if a puppet Premier were chosen from outside the Court, Amar and Ram should be ordered to retire to their estates. His third plan was that he himself should be made Prime Minister for three years, with the addition of "two selected Natives" to the Council. His "essential condition precedent to all other measures" was to deprive the Maharaja of power. Mr. Plowden was quite a king-maker. But Sir Mortimer Durand, the Foreign Secretary, appears to have thought him too zealous; and the Government were concerned then with the Waziris, and had not worked round the frontier to Gilgit. They took no action on receipt of the despatch.

The Maharaja, for his part, tried to break up the conspiracy by dismissing his Prime Minister, Lachman Dass, who was so important a factor in the schemes of his enemies. Mr. Plowden angrily protested at this, as he did again when Pratab Singh sent a sealed letter to the Viceroy proposing a new Constitution. The plan was statesmanlike. The Maharaja proposed a new Council of which he should be President, while Amar Singh should be Prime Minister and Vice-President, and Ram Singh head of the army, thus offering ample scope to both his brothers. He suggested that all members of the Council should take an oath of loyalty to the State; and the proposals he made for the Council's conduct of business were excellent, and would have served for our

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Cabinet in London. This letter contrasted oddly with the description of its author supplied three weeks before by the Resident, who had said that he was a ruler with no capacity, no desire for reform, and of notorious weakness of character and purpose. The Viceroy was impressed, and the Political Department rather reluctantly accepted the plan.

Mr. Plowden was naturally annoyed when he learnt that he was to be over-ruled, but the blow was softened by the promise of promotion, a desirable step since his policy was negatived. But he carried through one piece of policy before he left, the promotion of the short length of railway from Sialkot in the Punjab to Jammu, which linked up our main line with Kashmir. The agreement was signed by the Maharaja and the Resident on July the 4th, 1888, and considering the circumstances of the State it was unjust. There was not yet enough population to till the Valley, there was a cholera epidemic at Islamabad, and the one thing Kashmir needed most was a loan for relief and industry. But by the railway agreement a loan was taken instead of given. The State was required to find all the money for construction, including the section in British India.<sup>1</sup> The work was to be "completed with the utmost possible despatch", and it made a considerable demand on the Treasury. The line was opened in March, 1890.

Lord Dufferin's letter accepting the Maharaja's proposals was sent from Simla on July the 25th, more than

<sup>1</sup> Soon after the debate in the House of Commons, in July, 1890, in which this railway agreement was criticised, the Government agreed to repay the Kashmir loan for the British section of the line.



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three months after the plan for a new Constitution was propounded, which was a leisurely way of dealing with a State that was exhorted to hasten the improvement of its affairs. The letter, or Kharita, was an admixture of praise and blame. There was a little lecture about the dismissal of Lachman Dass, which reflected Mr. Plowden's vexation, and objection was taken to one of the Ministers proposed. The Viceroy, however, praised the Prince for the reforms he had instituted, concerning which the Resident had observed a dour silence. But more reforms were asked for, although some years would elapse before the essential land settlement could be completed. In this matter both Resident and Viceroy had the air of asking for reforms as if they were rabbits to be produced out of a hat.

Whether or not more could have been done, it was a busy summer for Pratab Singh, for not only did he set up his new government, but the activities of State were absorbed by a military expedition to the frontier. There had been so much talk about the vital necessity of the frontier region to the Paramount Power, that when the Hunza and Nagar Chiefs combined to eject a Kashmir garrison from two northern posts, and threatened more trouble, the Durbar acted without delay. For that matter, it had always been a point of honour with the State to subdue these robber chiefs. So all that summer detachments of the Kashmir army streamed up the terrible Gilgit road, followed by coolies laden with sacks of grain. Ram Singh acted as Commander-in-Chief. The army was far from being well organized or disciplined, and it lacked

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proper transport and equipment. The Government of India had delayed to take advantage of the offers from the Princes in 1885 of troops which might be trained for Imperial service, for men of the old military school were against any measure to strengthen the States. But such as it was, Kashmir's army was sufficient for its purpose, and the show of force, with a gift of money from the Durbar, brought the troublesome vassals to their senses for the time being. Captain Algernon Durand, sent to the frontier by the Foreign Secretary to report on the causes of this outbreak, was satisfied with the settlement, though he made some bantering comments on the military proceedings. Peace being restored, he took the opportunity to visit Chitral, an expedition that proved to be momentous. For had he not extended his journey he would not have learnt as he passed through Gilgit on his return that a Russian officer had just visited Hunza. In Durand's words, "The game had begun".

That winter the steps taken for some years by Lord Roberts to win opinion to the new frontier policy bore fruit. And the decision to establish our influence throughout the north-west borders was intimately connected with another policy, which was announced by Lord Dufferin at Lahore, before handing over the Viceroyalty to Lord Lansdowne. The Government decided at last to take advantage of the offers of military help from the Princes. One reason was that, if trained, their forces would be useful on the frontiers, and a scheme of training Imperial Service troops was adopted. Both these decisions had an intimate bearing on the position of Kashmir.

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The solitary Russian officer who made his hazardous way into Hunza wrought more mischief than Mr. Plowden to Pratab Singh. The Political Department hesitated no longer, and when the new Resident, Colonel Parry Nisbet, paid his respects to the Maharaja he knew that the State was to be controlled in the interests of the frontier policy. Pratab Singh welcomed him as a friend, and Colonel Nisbet, who had known Ranbir Singh, was friendly enough to begin with. But it was not long before the hostile Court faction, deeming the advent of a new Resident a fresh opportunity, deflected sympathy from the man who stood most in need of it.

Colonel Nisbet soon heard the old story of the treasonable correspondence, and it was hinted that the Maharaja was still intriguing with Russia. The Resident said that he could pay no attention to such stories unless actual proof were laid before him. To ask was to receive; the forged letters were furbished up, more were added to them, and the bundle soon found its way to the Residency. Colonel Nisbet had not a judicial mind, and on getting the letters he "went off the deep end", as we should say nowadays. Had he been critical, letters to Russia in the Dogra vernacular purporting to be written by a Prince would have aroused very different suspicions. His angry conclusions are given in his despatch of February the 27th, 1889:—

"The day before yesterday I had placed in my hands such reliable evidence as I have said invariably, to those who have talked to me, would alone satisfy me of the disloyalty or utter imbecility of the present Ruler of

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Jammu. This consists of a batch of 34 letters, in the Maharaja's own handwriting, some of which are so compromising as to leave, I submit, no course open save his removal from the State, unless the alternative theory be accepted of his being a half-witted individual, irresponsible for his own acts.

"Side by side with these treasonable letters in this packet, there are others in an utterly foolish strain, thereby confirming me in the conclusion I have unwillingly come to, that, though with lucid intervals of good sense and propriety, the Maharaja is utterly incapable of being left in charge of his own affairs. The gist of these other letters is that the Maharaja offers large sums of money to certain individuals on condition that they will murder, or cause to be removed, Plowden, the late Resident, his own two brothers, Ram Singh and Amar Singh, and one of the Maharanis, who, for some reason, is personally objectionable to him. These acts are not those of a man in such possession of his intellect as would justify Government in leaving him in uncontrolled charge of the most important frontier State."

The conspirators had certainly produced this time a comprehensive series of crimes for the Maharaja to shoulder; though Sherlock Holmes might have echoed Pratab's pathetic question: "Who is the fool in the world to commit such base conspiracies to writing?" But the wish is often father to the thought, and Colonel Nisbet realized, like Mr. Plowden, that if there were good reason why the Maharaja should be deposed it would greatly simplify the Department's problem in handling the State.

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He did not wait for any specific instructions, but went to Jammu and charged the Prince with the alleged crimes. The only account of what took place is in Pratab Singh's letter to Lord Lansdowne:—"Colonel Nisbet dashed into my room and brought such a great and many sided pressure to bear in all solemnity and seriousness, that I was obliged to write what was desired, rather demanded by him, in order to relieve myself for the moment, having full faith that your Excellency's Government will not accept such a one-sided view of the case, and that full opportunity will be given to me of defending myself. I never admitted the genuineness of these letters, and even an ordinary sense can find out that I could never write such nonsense." What was demanded by Colonel Nisbet was that the Maharaja should withdraw from all State affairs, and receive an allowance, while an English Officer should dominate the Council, on which Amar Singh and Ram Singh should serve. It was the severest form of pressure for the British representative to accuse the Maharaja of treason and malfeasance, and refuse to listen to his disclaimers. Pratab Singh, after many protests, reluctantly wrote an edict setting up such a Council as the Resident asked for, but only for five years. He would not agree to retire altogether. This edict of March the 8th figured afterwards in the official correspondence as the voluntary resignation of the Maharaja, but his stipulation of a five year limit was brushed aside.

The Government of India took advantage of the situation which the Resident had precipitated, and at

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once took control of the State. But although the treasonable letters were a revelation to Colonel Nisbet, they were an old story to the Political Department, where it was known that an inquiry would only show them to be forgeries. No time therefore was lost in disavowing them. When in the middle of March Mr. Webster asked in the House of Commons "whether letters of the late Prime Minister of Kashmir, Lachman Dass, had been discovered showing a course of treason on the part of the Maharaja", Sir John Gorst replied that "the Government of India attached very little importance to the intercepted letters". They had served an important purpose, but the Resident was warned not to make much of them in future, and to base the Government's decision on broad grounds of public policy.—

"The Maharaja should simply retire from the conduct of affairs. It is desirable that the change should attract no more attention than necessary, and above all, that it should not be regarded as the punishment of a great native Chief for proved disloyalty to the Crown. Rumours to the effect that the Maharaja has been convicted of treasonable practices have already been in circulation, and such rumours do harm in India and elsewhere."

In this letter of instructions to Colonel Nisbet the Political Department forgot to mention the need for reforms, although they asked what were the State's financial resources. But reforms were duly remembered in the Government's despatch two days later to Lord Cross, who learnt that the further opportunity given to the Mahara'ia "of proving whether he was capable of

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conducting the administration of his State has once more established his unfitness for the position of ruler". If there had been a real instead of a fictitious case of misrule to be made out against the Prince, the duty of the Paramount Power under the Treaty might have been to call Ram Singh, the next brother, to the throne. But what the Government did, on the advice of the Political Department, was to dethrone the Prince on a false issue, to set up a Council composed of his two brothers with Government nominees, and to give the British Resident the power of veto and order the Council to obey him. In these circumstances it was not unnatural for the Department to express the hope that the change would "attract no more attention than necessary".

Events moved rapidly in March and April. It was decided to create a Political Agency at Gilgit with a strong military force, and Captain Durand was sent to Srinagar to await final instructions. Lord Roberts, as Commander-in-Chief, came to the capital early in April to superintend the changes contemplated in the State army. He accepted the hospitality of Pratab Singh, who gave personal attention to the comfort of the party. Lord Roberts' relations with his host, and with his two brothers, during a six weeks' stay were of a very cordial nature, and doubtless it was a bewildering situation for Colonel Nisbet, who only a month before had been violently denouncing Pratab Singh for treason. It was explained by Lord Lansdowne afterwards that the Commander-in-Chief paid special respect to the fallen Maharaja to give point to the courtesy title be-

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stowed on him of Chief of State—a Chief who could not attend the Durbar. That he felt his position bitterly was plain in a letter he wrote urging his reinstatement.

The reason why all haste was made to remodel the Kashmir army was that we could get no troops of our own to the neighbourhood of Gilgit except by marching through the State, and such a policy, although adopted fifty years before in Sind, was an evil counsel of the past. The plan was to train and equip a brigade of Kashmiris who, under British officers, should hold the passes. Lt.-Colonel Neville Chamberlain was appointed Military Secretary to Kashmir, with officers to assist him, and to weed out inefficient soldiers he reduced the army from 18,000 to 10,000 men. Ram Singh, the theoretical head of the army, and Amar Singh perforce agreed, for real power was denied them. In June sanction was given not only to these steps, but to the construction of a military road to Gilgit, with the extension of the telegraph, at the expense of the State. The power to deal with the Kashmir feudatories was transferred from the State's Governor to the British Agent.

Of these feverish activities little was known in the outer world. In the House of Commons Sir John Gorst, with his bland manner, disposed of some awkward questions. In the summer of 1890, however, critics insistently pressed for papers to be laid, and a Blue-book was prepared. Mr. Bradlaugh secured a debate on July the 3rd, on a motion for the adjournment. The Blue-book was not ready, and was only shown by courtesy to a few members. From this Blue-book all the documents dealing



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with Kashmir frontier policy and the Gilgit Agency were omitted by the Political Department. They consisted of ten important despatches, dated from June 1877 to April 1890, which were not published until five years afterwards, in the Chitral Blue-book. Sir John Gorst, who defended the Government, had not been briefed in regard to the frontier, and did not refer to it. Sir Richard Temple, also an official apologist, replying to Mr. Swift MacNeil, said: "We have no frontier in that direction. It is not from there we should be invaded. The mighty mountains of the Himalayas constitute an impassable barrier to any enemy, either from Asia or from Europe."

For the rest, the Opposition made their points with vigour, that we had no right to depose the Maharaja, since the treasonable letters were disavowed, and that an inquiry ought to be held. Sir John Gorst, who refused any inquiry, founded his case on a report by Mr. Wingate on the land revenue settlement, quotations from which showed how corrupt a system had grown up in the past. He stressed in particular the evils of forced labour, by which the villagers were impressed for transport and other work. He was informed that it was to right these wrongs that the Government in the interests of humanity were peremptorily called upon in March 1889 to intervene. The Under Secretary for India could not have told the House that the Kashmir authorities were now using forced labour in the interests of our military plans, or that the land settlement reform was initiated by the deposed Maharaja, for these facts had been concealed.

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The excuse for our irregular action which was advanced by the Political Department, that we sought to save the people from oppression, was ironical. Before the *coup d'état*, Mr. Wingate had laid the foundations of reform, and in April 1889 Mr. Walter Lawrence took up his duties, and succeeded after years of devoted work in breaking down privilege, and giving to the cultivators security of tenure and the fruits of their labour. This was the path of reform, arduous and long, as it must be in any country where one class has established privilege. The Department introduced no reforms when they administered the State; on the contrary, they diverted its energies and revenues to the task of war. In this they were harsh, utilizing the Durbar's forced labour gangs for the military roads even after the main contract was made with Messrs. Spedding; turning adrift 8,000 soldiers; and sending two thousand of the picked men to Gilgit forts, where for eight months they were cut off from their homes by the snow barriers. These troops were used in the Hunza-Nagar and Chitral expeditions. The Government of India were as powerless as Pratab Singh to change the nature of Kashmiri peasants and officials, which had been warped by centuries of abuse or temptation. Three years after the Maharaja's deposition Captain Durand was cursing the administration in language of a fuller flavour than Lord Lansdowne's, and the Governor of Kashmir, Sardar Rup Singh, brought about a crisis by his peculations. In 1892 Srinagar was starving, partly owing to the corrupt granary system which the Department had done nothing to reform, and partly to a disas-

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trous fire. There was scarcity of food throughout the country, and cholera was rampant.

After we had obtained what we wanted from Kashmir, the Maharaja was restored to the throne in 1905, but was subjected to the veto of the Resident. When his powers were extended in 1921 we honoured him as Sir Pratab Singh, G.C.S.I. The Englishman who knew him best has borne witness to his real character. Sir Walter Lawrence a few years ago wrote that he was very simple and frugal in his life, "a man of the most kindly nature, very shrewd, old fashioned in some ways, and intensely devoted to his religion". . . . "The Maharaja loved and admired his brother, and Raja Amar Singh was loyal at heart to the Maharaja; but the miserable Bandukis (Musketeers) and the courtiers kept them apart". The names of both are honoured in Kashmir to-day, and, as Sir Walter says, no Chief stood higher in the estimation of the Hindus and the Government of India than Pratab Singh.

What was taken for our frontier purposes from his State were the northern feudatories of Hunza, Nagar, Chitral, Chilas, and the Kushwakt districts. They are under British control, and with their administration Kashmir, though called suzerain, must not interfere. The British Indian regulations which were imposed by us on the State remain, including material restrictions on its jurisdiction, although the present Maharaja is not subject to the restriction of his ruling powers. To understand how it was our Officers could envisage such action as they took in 1889, and show this disregard

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of Treaty rights, we must study the course of events during the thirty years that followed the Mutiny to see what were the dealings of the Political Department. Their attitude towards the States may be described in a hackneyed image, they proffered an iron hand in a velvet glove.

## CHAPTER V

### VELVET GLOVE AND IRON HAND

#### (1) THE SALT MONOPOLY

The taxation of salt is part of the history of India, and we were fortunate to inherit from the native rulers this stable source of revenue sanctioned by custom. We have re-arranged the production of salt, as well as its tax. The position when we became paramount was this. In Madras and southern India salt was manufactured from the sea. On any maritime strip, save in Bengal, salt can be made by scraping hollows in the ground, the sun does the rest, and illicit salt is still got in this way. Trenches, tanks and salt pans are the regular apparatus. In Bengal, owing to its damper climate, and the dominant fresh water in the Ganges delta, the facilities for getting solar salt were not sufficient, and large imports were needed, as they are to-day. North-west India was well supplied from the inexhaustible rock salt range in the Punjab; but in Oudh and the central lands the minor salt lakes and springs were insufficient, and these regions drew on the salt in Rajputana, most of which comes from the mysterious Sambhar lake. The Bombay and Kathiawar countries were well furnished with solar salt, the making of which on the coast, as in southern India, was a great industry. Salt made by the sun is regarded by Hindus as

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purser; it is Nature's gift uncontaminated and fit for holy use, as well as suited to the finer palate.

Before the British ruled, each kingdom had its own salt duties. There was no uniformity, of course, and the complexities were increased by a network of transit duties with which India was covered. To enforce the duties on salt and other products in their huge dominions, and supplement the river boundaries, the Moghals created an extraordinary inland Customs line, which consisted of an artificial jungle strip strengthened by walls and ditches. This monstrosity was inherited by the East India Company as it pushed its realm south, west, and north. It was found impossible to devise any uniform Customs machinery. Different rates of salt tax prevailed in the Provinces, and there was no control in the native States over manufacture and export. The Company tried tentatively to deal with the problem by efforts here and there to suppress or manage the salt trade in the States. For instance, the salt works in Radhanpur were taken over in 1840, under an inequitable arrangement which had been forced upon the Nawab by eight years' continued pressure. At about the same time the Government of Bombay insisted on managing the remaining salt pans in Sawantwadi, after having failed to secure the consent of the State to their surrender. But this was but to scratch the surface of the problem.

A fourfold scheme was eventually devised under Lord Mayo's administration. To equalize salt duties in the various Provinces,—and then to abolish the Customs line,

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and with it transit duties,—steps were taken to secure the Sambhar lake which supplied so many millions of the people, and to control or shut down all manufacture of salt in native States. So drastic a policy could not be enforced without some hardship, but in the case of British India the hardship was transient. In a decade, beginning in 1869, the rates on salt were regularized in the different Provinces. The rates had to be altered gradually in order that increasing consumption might overtake the loss of revenue at first incurred; and Madras and Bombay, where the commodity was abundant and cheap, had to pay a higher duty, while the north received at once the advantage of a reduction. On the coasts the cured fish trade suffered, and in some parts the natural trade routes were hampered. But the rapid development of the railways helped to remedy such evils in British India, and made possible the abolition of the artificial Customs line between the years 1874 and 1878, and with it many of the vexatious transit duties levied on goods passing through a State or Province to a distant market. The States, however, in agreeing to this received little in return; they lost a valuable asset in bargaining, while making a considerable contribution to the central revenues for which they are not given credit.

The Government leased the Sambhar lake from the States of Jodhpur and Jaipur in 1870 for a fixed rent, plus a fluctuating royalty. Under this lease, which was called a Treaty, was acquired the right, not only of manufacturing and selling the salt, but of levying duties on it. The Sambhar salt lake, twenty miles long, covers an area

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of ninety square miles. It is very shallow, being in a good year of rainfall only four feet in the centre, while in a dry season it may be only a foot deep. From the low sandy ridges to the south the efflorescent surface looks like a sheet of glittering snow. The Hindu legend is that Sakambari, the goddess consort of Siva, in return for a service rendered, changed a forest that stood here into a plain of silver; but the precious metal arousing base passions in mankind, she turned the silver to salt. At times the lake dries up, except where the brine is retained by dams. The bed, which is of adhesive mud, is very level. This salt mud beneath the water is a body of silt seventy feet deep which through the ages has gathered in a rift in the stratified rock.

It was for long a mystery where the salt came from, for there are no rock salt beds in the geological formation of the area, and nothing to show a past inroad of the ocean. At length Sir Thomas Holland showed that it is brought by the Trade winds which during summer blow with tremendous velocity across the Rann, the great salt marsh of Cutch, and become charged with countless particles of salt. These winds strew their salt in the arid tracts near Sambhar, and it is washed down during the rainy season by the nullahs and streams into the lake. Here, through the evaporation of the water, which is rapid in the dry climate of Rajputana, an inexhaustible quantity of salt has been stored up in the deep cleft. Calculations twenty years ago showed that although British India had then taken out four million tons of salt, very little impression had been made on the deposit. How valuable the control



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was to become will be realized when it is said that before a generation had passed this salt was consumed by some forty-six million people in the North-West Provinces and Oudh, the Punjab, Rajputana, Central India and the Central Provinces. The distribution from Sambhar met the Bombay salt in the Central Provinces, and the Khar-gora salt in Central India.

A Northern India Salt Revenue Department having been set up, the works were improved and extended, and railway extensions to the lake made from Agra and Delhi. The first Customs duties were levied at Sambhar in 1878. *The Department now, but for one factor, were in a position to complete the policy which has proved to be of such value to British India. To secure uniformity it was still necessary to regulate the competitive sources of supply in the Indian States. Whatever steps were taken should have been embodied in Treaties. If there had been more time for reflection in those days of rapid expansion there would doubtless have been more wisdom in the treatment of the States. It is not difficult to conceive methods of co-operation and compensation which if adopted would have saved the manufacture and trade of the States, and at the same time have profited them in the same degree as British India, while preserving their Treaty rights. The official programme, however, was ruthless. In the year in which Sambhar was leased, a beginning was made with the State of Mandi in the Punjab, which had two salt mines. It was stated that untaxed Mandi salt interfered with the sale of British Indian duty-paid salt in the Hill States, and the*

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Punjab Government imposed a duty on all salt produced at the Mandi mines. The Raja carried out the Customs orders under considerable protest, and the correspondence shows that he was deeply humiliated, and felt that his prestige had been lowered. Apart from the point of dignity, and the rights of the State acknowledged under a Sanad of 1846, it was pointed out that the people would suffer from the higher prices that would ensue. It was soon found that this was the case, and strong representations secured a modification of the arrangement in 1875.

In the meantime the Inland Customs Department had insisted that it was necessary to suppress or restrict all salt manufacture in the States. The really formidable competition to which the Department were subject, after the Sambhar scheme was in working order, was from Cutch and the maritime States of Kathiawar. Many people were employed in salt manufacture in Cutch, Nawanagar, Porbandar, and other places adjacent, and there was a flourishing export trade. In Cutch at this time there was a minority administration presided over by the Political Agent, and the first approach of this officer to the Diwan was suave. He wrote, on August the 25th, 1879, as follows:—

“In obedience to instructions received from Government, I have the honour to inform you confidentially that His Excellency in Council has been pleased to decide on removing the preventive line between British Guzerat and the Native States of Cutch and Kathiawar, and that it is proposed to carry out

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this measure at a very early date, which may possibly be November 1st.

“It will therefore be necessary for the Council of Regency to obtain such a control over all the salt produced within or on the borders of Cutch as may effectually prevent it from being smuggled into the British districts, and injuring the British revenue by there underselling the Kharghora salt.

“The object which Government has in view is the relief of the *public* from the burden of a preventive line by measures which will not occasion any fiscal loss to the Cutch State. This being the case, His Excellency in Council looks to the Council of Regency to further his wishes in a spirit of cordial and *active co-operation towards a clearly understood result.*”

This limited request to stop smuggling, however, was only a parade action. A draft agreement was in preparation for the State to sign, and the next preliminary was a demand for full information as to the produce of all the salt works, and the amount of revenue derived by the State. When the proposed agreement was sent, on September the 17th, it was found to contain these amazing items :—

(1) The Government of Cutch shall adopt effectual means to stop the exportation from Cutch, by land or sea, of salt manufactured or spontaneously produced in the Province.

(2) The Government of Cutch engages to exercise efficient control over the manufacture and issue of salt, to open no new salt works without the consent of the British Government and to suppress manufacture at unauthorised places.

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(3) A British Establishment to supervise the arrangements of the State shall be admitted in Cutch and given every facility and assistance.

(4) British servants posted in Cutch under the provisions of this agreement are to be under the criminal jurisdiction of the Agency Authorities and not the State.

(5) The Government of Cutch is to receive an annual definite sum as compensation.

(6) In the event of the measures adopted by Cutch under this agreement proving inefficient the British Government shall take over full control.

The British authorities were to be the judge as to whether their grip of this internal trade was effective, and if not were to seize it, although by the Treaty of Alliance between the Rao and the East India Company, in 1819, the Ruler of Cutch was decreed absolute authority over the internal administration. The State had passed through troubled times since then, but the Treaty, confirmed by Queen Victoria's Proclamation, stood :—

“ The Honourable Company engages to exercise no authority over the domestic concerns of the Rao or of those of any other Jadeja Chieftains of the country; that the Rao, his heirs and successors shall be absolute masters of their territory; and that the civil and criminal jurisdiction of the British Government shall not be introduced therein.”

And what compensation could be given that was just? The State, all but surrounded by the sea and the immense salt marsh, the Rann, had the appearance, as the Regency Council pathetically pleaded, of a peninsula almost

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embedded in salt. There was an abundant and spontaneous production of the commodity in the State. There were fifty Cutch bottoms employed during the year in the salt-carrying trade to Zanzibar and the east coast of Africa, with return cargoes of cocoanuts and timber. A large population was kept busy in the salt works, and in the shipbuilding industry, both of which brought wealth to the community. The subjects of the State were thus threatened with heavy loss, while the State was to suffer not only in its revenues, but in its prestige, from the introduction of a divided authority and alien jurisdiction. So the Council of Regency, after anxious deliberations, submitted that the extinction of the trade in salt would entail the following results :—

- (1) It will inflict a crushing blow on the poor salt traders of Cutch by the loss of their industry from which they will hardly be able to recover.
- (2) It will bring about the decline of the trade in pottery wares.
- (3) It will result in the decline and gradual extinction, to an appreciable degree, of the import trade of Cutch with Africa.
- (4) It will most adversely affect the shipping trade and all accessory industries in Cutch.
- (5) It will paralyse the shipbuilding trade in Cutch and the industries directly dependent upon it.
- (6) It will disorganise, to a certain extent, the labour market by throwing upon it a number of idle hands, otherwise most usefully employed, and drive them to emigrate from Cutch in search of employment elsewhere.

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(7) And, lastly, in the course of a few years, it will tell heavily on the Durbar revenues.

Before this memorandum was sent the members of the Council had been refused a personal interview with the Government. The Political Agent had laid it down in advance that the agreement contained nothing that was not absolutely necessary to enable our officers to carry out the policy which had been decided upon. That policy was defined by the Agent, when sending the draft agreement, as the necessity for the Government to obtain complete control over all supplies of salt throughout India in the interests of the Empire. And before the Council's memorandum was received, the Diwan was required by the Agent to "issue peremptory orders prohibiting the export of indigenous or manufactured salt from the territories of His Highness the Rao of Cutch by land or sea". The Rao was a minor, the British officers were in command, all export of salt by land or sea was stopped, and the salt industry was killed.

In the correspondence with Cutch the Political Agent stressed the need at the end of every letter of keeping the negotiations absolutely confidential; on no account were the proposals to be divulged, although stoppage of trade was a matter affecting most of the people. The reason for this counsel of secrecy was that in the same year, 1879, the Departmental authorities were also negotiating—if that be the word—with the maritime

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States of Kathiawar and Dhrangadhra. The Salt Commissioner of Bombay in these cases was more direct in his approach, imperatively requiring that the States should hand over to the British Government all control over their salt works and resources, that they should raise the price of salt to the level prevailing in British territories, and consent to the supervision and guidance of its manufacture by Officers of his Department. The leading States, as they could not get from the Agent any copies of correspondence on which the demand was founded, telegraphed to the Governor of Bombay, who at that time was Sir Richard Temple, stating their case against such a seizure of their sovereign and ancient rights. As this had no effect, and the Political Agent continued to press them to surrender, a joint protest was lodged with the British Government by Junagadh, Nawanagar, Bhavnagar, Dhrangadhra, Morvi, Jafrabad, Porbandar, and Bajana. This was on January the 19th, 1880, the very day on which members of the Regency Council of Cutch were sending their belated memorandum of protest. The Kathiawar States submitted that from remote times they had sold their salt in the peninsula, and exported it by sea, enjoying the revenue in virtue of their independent proprietorship. They ended their letter to the acting Political Agent of Kathiawar with this passage:—

“You are aware that in the Bandobast (settlement) which Col. Walker made as regards this Province in 1807-08, it is specifically agreed that only the fixed amount of tribute should be recovered from the States of Kathiawar and that nothing more should be levied. In spite of

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such a permanent Government guarantee for our Province, we deeply regret to learn the intentions of Government to deprive us of our immemorial rights to manufacture salt and enjoy the proceeds, the rights which have stood undisturbed even in the times of the Moghals and the Mahrattas, the rights in the exercise of which even the British Government have not interfered for the last seventy-five years."

The States might have quoted also the declaration of the Government of Bombay in 1831,—“On our first interference in 1807-08 Lieutenant-Col. Walker promulgated by an address to the Chiefs the objects we had in view; and proclaimed that this was confined to the settlement of the regular payment of their tribute; that no encroachment on their landed rights or their independence was contemplated; and that the state of possession and power as it then existed was to be guaranteed; and at the same time both the British and Gaikwar Governments concurred in the policy of abstaining from a spirit of aggrandizement and from every encroachment on the rights or possessions of the Chiefs.”

But our Officers refused to give way, and compelled the States to attach signatures to an “agreement” which forbade the production in Kathiawar of more salt than was required for its own consumption, forbade new sources being exploited, and prohibited export to other parts of British India or foreign countries. A petition, which was brushed aside, was presented by Porbandar, begging that its export trade to Calcutta or South Africa might be continued, since “the Customs revenue will be



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benefited, labour will get employment, and salt manufacturers will make good traffic. It will also look well for the port if such large quantities are exported from our port". The reply was curt:—"The export of salt produced in Porbandar to any port of India or elsewhere is barred by agreement". Truly, a strange agreement.

Long afterwards the Jam Saheb of Nawanagar, known and admired by our people as Prince Ranjitsinghji, raised the question with Sir George Clarke (Lord Sydenham), when Governor of Bombay, of the export of salt from the States of Kathiawar. He pointed out that surplus population was leaving these States for want of employment. His own country, Nawanagar, is now entirely agricultural, and unless industries are introduced the land will not support all those who are left. Through the loss of the salt trade many of the subjects of Nawanagar, as of Cutch, emigrated to Bombay, some of them becoming influential traders, and contributing to that great port's prosperity. It is estimated that during the last forty or fifty years owing to the British policy of restriction—which was to be imposed in regard to railway extensions as well as salt—the States of Kathiawar have lost nearly 100,000 of their people by emigration to South Africa, Karachi, Bombay and Nagpur. Prince Ranjitsinghji was persistent, and discussed the matter later with Lord Willingdon and Lord Chelmsford. He asked, very pertinently, why the indigenous salt of India should not be given preference over the salt imported into India by French and German companies, by Spain, and even by foreigners who might be enemies. The Governors were

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sympathetic, and even astonished at this searchlight thrown upon a past for which they were not directly responsible. But when representations were pressed on the authorities the response was not very satisfactory. Latterly the State of Baroda has been given the right to export, and other States are trying to bargain for the same privilege, offering as a safeguard that the British Government in India should receive all the duty. So the States are now pleading for something as a privilege which formerly was theirs in fuller measure as a right.

To take up the tale of past injustice, no sooner had the Salt Commissioners fastened their grip on Kathiawar, than they proceeded to deal in similar fashion with Kotah in Rajputana, and other inland States. But to reap the full harvest from Sambhar more was required than to shut down all competition. An increasing demand required a greater supply. By industry, during the first twenty years, the salt produced annually from Sambhar had been increased by one third. To get more it was necessary to conserve, and if possible increase the flow of water into the lake, on which the quantity of salt manufactured depends. The chief stream which feeds Sambhar is the Rupnagar, and most of the country which it drains lies in the State of Kishengarh; but a quarter of the catchment area is in Ajmer, the British territory. Now the State of Kishengarh has no interest in Sambhar; it is at best rather a barren country, and its whole revenue depends upon sufficient water being available for its agriculture. Its only supply, except during the monsoon, is from the Rupnagar and its tributaries. Ajmer is in the

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post of vantage, as the upper waters of the stream are in its district, and two large irrigation works were constructed in Ajmer which took a heavy toll of Kishengarh's water. A third dam was about to be constructed by Ajmer in 1900. Kishengarh had some water tanks, but they were old, and the country's need of irrigation synchronized in that year with a famine relief proposal for an embankment tank on the Rupnagar. The Kishengarh Durbar decided to build it, but the Salt authorities at once objected on the ground that if water were cut off from Sambhar there would be a loss in the manufacture of salt. They professed their ignorance that Ajmer, in British territory, had constructed two large dams, and bargained that the further embankment which Ajmer proposed should be abandoned if Kishengarh would do without the tank which they wanted for famine relief.

To such base argument may we be brought by zeal for a system. Elsewhere our provision of famine relief has been an incalculable boon. But the Finance and Commerce Department in this case put the output of salt above justice and mercy. They wrote on July the 13th, 1901, that the question of the flow of water into the Sambhar lake was one of grave concern to the Government of India:—

“In view of the way in which the manufacture of salt depends on a sufficient supply of water in the lake, and of the precariousness of the supply, the Government of India consider that it is most inadvisable that anything should be done in the shape of constructing new reservoirs, irrigation works, or of extending any existing

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works on any of the feeder streams of the lake, either in British territory or in native States, which will be likely to diminish the supply.

“The Government of India desire that in future the Salt Commissioner may be consulted before any of the existing works in British territory or in native States are enlarged, strengthened or improved.”

This letter gives the appearance of equal treatment in British territory and Indian States, but the words were specious, since the Department knew that two large dams had already been built in the British District. In the result the Kishengarh famine tank had to be abandoned. It was during a minority administration in the State, and the Durbar were helpless. Under the Treaty of 1818 the British Government were pledged to guarantee protection to Kishengarh, which implies defence against invasion by an enemy. Here, to play upon words, there was an invasion of the State's revenue interests by the Paramount Power. At this time, also, there were before the Durbar four irrigation projects which had been recommended by the Superintending Engineer in Rajputana. But an order was issued for their postponement, and the State was also prevented from strengthening old irrigation works which had fallen into disrepair. The year 1906 was one of severe drought, and the villagers in their anxiety to water their cattle rebuilt an earthen dam tank. The British authorities promptly demolished it. In this year the Durbar wished to build low masonry weirs across the river, and to restore old wells and sink new ones. The Salt Commissioner forbade the first

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scheme, and placed such restrictions on the second as to render it useless.

The result of this policy was that by 1922 a once fertile and populated district had become desolate. The land deteriorated, large areas once cultivated were turned into waste, the wells were unproductive, and the State's land revenue from the villages was greatly reduced. In 1924 the Durbar raised again the project of the four irrigation water tanks which had been postponed for twenty-four years, and begged the Government to sanction them, or else pay compensation. The Salt Commission, who were originally recommended to sanction these works by their own Superintending Engineer, now stipulated for an inquiry by another engineer. In June 1925 the Resident informed the Durbar that the tanks must not be built, but that the Northern Salt authorities would pay Kishengarh 7,000 rupees a year as compensation for the irrigation denied, and an extra 1,000 rupees in full satisfaction of any other water claims they might in future wish to make. Arrears of compensation were to be given, not for twenty-four, but for three years. The Durbar begged that they might see the reports on which the calculation of compensation was founded, and this was the Resident's reply:—

“I am desired to say that the Honourable the Agent to the Governor-General considers that it would serve no useful purpose to supply the Durbar with copies of Mr. Bijawat's report and of the notes and comments of the engineering expert, and the Government of India, to whom the contents of your letter were communicated, agree with this view.”

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The States when the salt monopoly was established were not only deprived of a direct source of revenue, but the development of their natural wealth was arrested. Some received compensation which even at the time was far below the value of the concession, and others received nothing. Kotah, when its salt trade was commandeered, received compensation, but no payment was made in respect of territories acquired afterwards. At present some States are allowed to produce salt for their own consumption; but the amount is negligible, owing to the competition of the British Indian Salt, and of consignments which are allowed to be freely imported from Spain and Austria. The system is arbitrary. The Gaikwar of Baroda, who owns maritime provinces both in Gujerat and Kathiawar, is denied the right of receiving salt revenues from his Gujerat districts, though he enjoys this right inherently in his Kathiawar possessions. In States where the manufacture was stopped other industries have suffered. Of certain districts in Bharatpur Sir Michael O'Dwyer reported in 1900:—"This was a great seat of salt manufacture and was one of the most busy and prosperous parts of the State, but it has now a forlorn and depressed appearance, with large areas of land lying waste or deserted owing to bad soil, bad water, want of hands, and the inroads of wild cattle". The injustice is not a thing of the past, it continues. Patiala, during a minority *régime* in 1904, was forced under long pressure by the Political Agent to prohibit any export of salt unless the purchaser held a British Indian licence, and its salt industry was completely ruined. The producing States

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may not export to British India, and the Government exercise their monopoly of manufacture, levying Excise duties which are paid by the State subjects, and even of this insignificant revenue half is often retained by British India.

## (2) RESIDENCY AND CANTONMENT

The British Residency in an Indian State centres the life of the little European community there, who try to think of it as a reflection of home. Whether the plain two-storied building of earlier times, or the ornate mansion of to-day, the Residency has always presented a sharp contrast with the domes and minarets of the adjacent city. In its British way, too, it stands in a park with shady trees. But there the analogy ends. For seven months the heat is enervating, and the East takes toll of the West.

Two Residencies, for strangely different reasons, are often spoken of in India, one by Europeans, especially visitors, and the other by Indians. "The Residency" to the Western pilgrim is that at Lucknow, where the old building is preserved as a sacred relic to enshrine the memory of the suffering and heroism of our people in the famous siege. The Indore Residency, on the other hand, among Indians is a symbol of our rapacity. The State of Indore from 1854 to 1899 was put in direct political relation with the Agent to the Governor-General in Central India, and partly for this reason the history of its Residency differs widely from that of others. In this case our Political Officers, by steady pressure, have



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acquired native property, revenues, and jurisdiction in complete disregard of Treaty rights. It is a significant illustration of our encroachments upon the internal sovereignty of a State. The land originally ceded by the Maharaja was about 400 acres, for the residence and grounds of the British Minister accredited to the Court of Indore, who settled there under a provision of the Treaty of Mandsaur, in 1818, "to maintain and improve the relations of amity and peace" between the ruler and the East India Company. The State, of course, under the Treaty had no jurisdiction over the accredited Minister or the persons of his staff; but jurisdiction over the land itself was never ceded, and the Government to-day do not claim to have acquired it.

Soon after the Mutiny the Indore Residency authorities managed to obtain further grants of land, and put them to uses not originally contemplated. Not only English people unconnected with the Resident's staff, but native traders and others were allowed to build houses there. In a few years' time the community thus gathered together was regarded as British, the immunity from State taxes and duties which the Resident and his staff enjoyed was extended to all within the confines, and British India taxes were levied instead. By 1867 the Residency had managed to increase its area to 734 acres, but not satisfied with this the Agent to the Governor-General asked for more, while offering an assurance that it should be the last request of the kind. The Maharaja, however, refused then to give more land.

A few years later Sir Madhava Rao, when appointed a

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Minister of the State, took up the question with the British Government, and in a letter, dated July the 3rd, 1874, to General Daly, Agent to the Governor-General for Central India, he presented the case for the State in these forceful terms:—

“When a British Representative or Minister was first allowed to take up residence at Indore in connection with the Court of His Highness Maharaja Holkar,<sup>1</sup> a clear area, about two miles distant from the city, was allotted for his Residence and also for that of his suite. The Residency was erected, and bungalows for the Agent’s assistants followed. As, in the course of time, the staff of the Agent increased, houses increased in number. Even the menial servants of the Agent and his staff and the Agent’s personal escort could and did find places within the Residency limits.

“According to international usage, the Agent claimed from His Highness and obtained exemption from taxes in the shape of duties, for supplies intended for the use of his household, of his staff and of the escort. So far, this appears all right. It is in conformity with general practice. It is in conformity with the practice in the Native States of Travancore and Cochin, with which I am intimately acquainted.

“But the area originally allotted here for such purposes has been gradually allowed to be occupied by natives from our limits, such people being unconnected with the Agent and his suite. And the special immunity from taxes, originally meant to be limited to the Agent and his staff has been gradually extended to all such

<sup>1</sup> Holkar, of Indore, a dynastic title; as also Scindia (of Gwalior), and the Gaikwar (of Baroda).

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people. Such development beyond legitimate intentions has been pressed forward so much, that the Agency is even practically disposed to claim the right of civil and criminal jurisdiction over such people, whereas such right can be claimed only over the Agent's staff, servants and such like. The consequence of this extraordinary advance has been a source of much difficulty and embarrassment to us. In point of fact, His Highness's capital is, within two miles distance of it, threatened with a rival likely to become formidable unless timely measures be taken.

"I leave it to your own judgment to conceive the grave and manifold inconveniences which must be inevitably entailed on us if the British Government should undertake to found and stimulate a town of its own in the very neighbourhood of our capital and in the very heart of our territories, and to claim for such town different laws, a different fiscal arrangement, and, in short, quite a different system of management altogether.

"If I were called upon to give a hypothetical case merely to enable an Englishman to realise the difficulties and perplexities entailed on us, I would offer the picture of the German Ambassador in London demarcating a certain area around his residence, inviting lots of the London population to settle around, and claiming within such area the right of administering German Laws and the German system in general, and claiming for the whole settlement, supplies totally exempt from the taxes of England. A town in such circumstances would, of course, grow with wonderful rapidity.

"I doubt very much if it can be seriously the intention

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of a protecting and friendly power like the Government of India that such a town should be founded and stimulated so close to our very capital and so much in conflict with, and so very detrimental to, the requirements of our daily administration. There cannot possibly be any object in multiplying indefinitely the points of collision between the interests of the paramount and protected States."

Amazing to relate, no reply was received to these submissions. A further letter from the Indore Minister asking for particulars of the system of granting land within the Residency limits, elicited the reply that building sites there were given only under the authority of the Agent to the Governor-General, and that no transfer of such sites could be made without his permission. As time went on the little British town that had been planted within the heart of the State waxed bigger. A Residency bazaar grew up, and when land was given for railway purposes, in 1878, native merchants and traders covertly stored their grain, and salt, and opium in the enclave, and managed to rob the State of export and import duties. Various protests were made, and Sir Lepel Griffin admitted that the bazaar had grown "unnecessarily large", and said that no new settlers should be permitted to reside there without special permission.

But the abuse of trade, and the controversy, continued, until the Agent in 1897 offered to double a British tax on trade transactions which was levied in the Residency, a tax called *Beyai*, and to give two thirds of

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this increased revenue to the Indore State. This, no doubt, was intended as a concession, but it was really a hard bargain. The Residency denied the State its right to tax either the native population, or the export of goods, granting instead a small share in the proceeds of a British tax. The Indore Government, thinking to end the struggle, consented. The Central India Agency refused even to allow Indore to audit the accounts of the Beyai tax; but the State comforted itself with the reflection that it had never ceded its jurisdiction over the lands of the Residency, and up to 1897 the claim that these lands were an integral part of the State was admitted by the Agent to the Governor-General.

Then came the minority administration. In 1899, owing to serious maladministration which threatened the internal security of the State, the Maharaja of that day was obliged to accept a Resident in direct political charge of the government, and to consult him in all important matters; and three years afterwards he resigned the throne in favour of his son, a minor, and a Council of Regency was appointed which controlled the State until 1911. When Regency has thus to be resorted to, it is a Trust, and although the opportunity is afforded during a minority *régime* of regulating the process of government, justice demands that the rights of the State should be conserved, and restored intact to the new Maharaja on his succession. This Trust has not been observed in many cases. In their breach of Trust our Officers were inspired by sincere but irrelevant motives, having chiefly considered the interests of British India. After many

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years' "practice" of this kind it was realized by the Government of India that our action was gravely irregular, and in 1917 minority rules were framed to avoid such encroachments in future.<sup>1</sup> But the widespread injustice done in the past has seldom, if ever, been remedied.

The practice during the minority in the case of Indore was harsh, and almost akin to the action of a money-lender who increases his claim when he finds his victim at a disadvantage. The new *régime* began with the refusal in 1901 by the Residency authorities of the State's request for the site of a house within the enclave for a Settlement officer, on the ground that no land in Residency limits could be given to anyone unconnected with the Residency. The British town by this time had grown to nearly 10,000 inhabitants, the majority of them, of course, unconnected with the Resident and his staff. Two years later the Residency proposed the establishment of a zone two hundred yards wide, free from buildings, round their area. They demanded that small groups of huts for the State police in this zone should be removed, and that the inmates should live either in the native or the British city. An outbreak of plague appeared on the heels of this demand, which was then presented as the reason, and further restrictions were suggested. All these proposals were agreed to, and a plague hospital was built—which could have been done without the seizure of the land.

The State Council, which was presided over by the Resident, had thus surrendered additional land to the

<sup>1</sup> Appendix F.

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Residency, and now the surrender of jurisdiction began. Although a rule had been made that no houses should be built in the two hundred yards zone, the Residency demanded sites within this zone for two houses, advancing the argument that in any case the State could not build in the area. To this paradox the minority administration consented. Encouraged by this success, the Central India Agency in 1907, secured jurisdiction over the land given for the Daly College, which was a grant of about 950 acres. The Resident next year made an unofficial attempt to get the removal of a whole hamlet which was outside the zone because it looked unsightly to Europeans driving out in that direction; and gave general instructions that small huts should not be built in other villages in the neighbourhood. There had been a long standing controversy about an up-stream village that was insanitary, and the Council of Regency under pressure at length agreed to its removal, and had to shoulder two thirds of the cost. Finally, in 1910 the Agency secured a grant of 160 acres of land for the lines of the Malwa Bhil Corps, and made it a condition with the Council that the jurisdiction over this area should be with the Political authorities.

The affair of the Rani's garden is worth mention, for although it was a minor matter, it touched sentiment and prestige. To meet the wishes of Lady Dufferin, in the year 1886 or thereabouts, the Maharaja of that day ceded from six to seven acres of the Rani's garden to the Residency for the use of the Christian Hospital and Christian College. The rest of the garden, some sixteen

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acres, lay without the Residency limits, and, like a Naboth's vineyard, was coveted by the British authorities. After ten years, in 1896, the Central India Agency actually decided to set up a market on the Rani's land, and brought their building materials to the site. On the protest being made that this sixteen acres of the garden was in the jurisdiction of the Palace Department, the Agency asked whether they had issued any order granting the garden to the Senior Rani. It happened, however, that the limits were marked by boundary pillars, and this arrogant design was frustrated. Later, though it sounds incredible, when the State wished to build three bungalows for the daughters of the Maharaja on this garden plot belonging to the Rani, the Central India Agency raised objections, and the idea had to be abandoned.

The British town we have planted on native soil contained 3,602 houses and 12,226 inhabitants in 1921. It has grown in extent owing to constant and generous grants of land by Indore, and also owing to the pressure exerted by Political Officers, culminating in the high handed action taken during a minority administration. Some of the demands, without rhyme or reason, have been grasping and intolerant. The State has been denied its natural rights of taxation, its share in the Excise income of the area, and its proper jurisdiction. The original object of the assignment of land has been lost sight of, and the spirit and letter of our Treaty have been broken.

The Cantonments in the States, where many of our soldiers live out their best years, must always be a special



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concern with the Government of India. But it is not necessary to turn them into colonies, after the fashion of the Indore Residency. Some of the cessions of land obtained by the East India Company for Cantonments have been permanently retained after the withdrawal of the troops; and in those which remain the Government claim to exercise exclusive jurisdiction, which leads to a clash of authority. Even the State Excise and Customs revenues are appropriated by the military authorities. The "Imperial Gazetteer", expressing the view of the Foreign and Political Department, makes this arbitrary statement,—“It is convenient that jurisdiction over all persons and things therein (in Cantonments), and not merely over the British troops or officials, should rest with the suzerain power. Sometimes this jurisdiction is conceded by Treaty, sometimes it rests upon long usage and acquiescence”. This is how our history is being written; but in fact this jurisdiction is enforced against the will of the States, and the “usage” is not based on any agreement. A case in point is that of the Gwalior Cantonments. It is a complex one, involving the legal interpretation of Treaties, but it is worth study because much resentment has been stirred in the State by the interpretation adopted by the Political Department.

Under the Treaty of 1804 of general defensive alliance between the Maharaja Scindia of Gwalior and the East India Company, the latter engaged to furnish the Maharaja with a Subsidiary force to be stationed near the frontier. It was agreed that if this force entered the State

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at the request of the Maharaja its supplies should be exempt from duties, and also those of "any further force of the Honourable Company" if it entered Gwalior "in consequence of war within any other State". This was varied by another Treaty in 1844 under which it was arranged that British Cantonments should be established in the State for a Contingent force, the cost of the troops being borne by the Maharaja. This plan, in turn, was superseded when an exchange of territory was effected by the Treaty of 1860, under the provisions of which the British Government, in place of the Contingent force of 1844, kept a Subsidiary force constantly stationed in Gwalior territory. These three Treaties were adapted to three different sets of conditions. The exemption in the 1804 Treaty from duty on supplies to the British force then outside the State, or to a hypothetical army inside, did not and could not apply to the entirely different force stationed in Gwalior Cantonments under the Treaty of 1860. The practice in regard to the latter force up to 1863 was that all Durbar taxes should be paid. The Government recognized the State's right to levy Customs dues on goods brought by merchants to the camps, as is shown in a letter of the British Cantonment magistrate at Neemuch on February the 19th, 1863. Similar questions have arisen in regard to other Cantonments, such as Mhow, but Neemuch affords the clearest illustration of encroachment on sovereign rights.

The British authorities in 1864, desiring an arrangement more satisfactory from their point of view, asked for permits exempting supplies for the troops at Neemuch

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from Customs duties. They did not claim this as a Treaty right, and the Gwalior Durbar gave the permits as an act of grace. At first these permits were issued by the Durbar, but they were persuaded to hand over the issue to the Cantonment magistrates. From this moment abuses sprang up. Supervision was relaxed, and a large trading population settled in Neemuch all claiming the benefit of immunity from taxes. Within the enclave traders brought quantities of goods far in excess of what was needed, either for the troops or for the civil population clustering round them, and used the Cantonment as a vantage ground for keeping prices lower and so competing more successfully with their rivals outside. The scandal had grown to such dimensions in 1878 that the Durbar urged that no foodstuffs over and above the requirements of the Cantonment should be brought within its area. But the Department fenced with the question, and, later, refused the request of the Durbar that a new Customs post should be established at the entrance to the camp to check and tax outgoing goods. The State throughout showed its willingness to make reasonable concessions, but on the part of the Department there was a growing disposition to impose their own regulations. At one time the Political Agent would argue that the right of the State to levy Customs in its own territory depended on British permission; at another, that all goods brought into Cantonments should be duty free whether they were exported afterwards or not. If the State referred to the practice acknowledged as valid in 1863, it was declared that no understanding of this kind could be valid without

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the sanction of the Governor-General, and that he could abolish it.

For a quarter of a century nothing was done, but when in 1907 the Durbar were reorganizing their Customs and Excise administration, they raised the question again. In a letter to the Resident from the Maharaja's Political Secretary, on November the 2nd, 1907, the Durbar, referring to the free import of articles for consumption by the troops and their sanctioned followers, proposed that permits should be issued to confine the privilege strictly to these supplies, adding,—

“The Durbar think that looking to the history, nature, and scope of these Military stations, the Government of India will agree with them in the view that these Cantonments were never intended to be converted into and used as commercial marts to the prejudice of the interests both of the Durbar and their other subjects outside the Cantonments.”

In response to this representation the Government of India called a conference in 1909 of some high Government officials and the Durbar to discuss this Customs question. For almost the first time a spirit of fairness was shown on the British side. The recommendations of the Conference acknowledged “that the British Cantonments situated in the midst of the Durbar territories cannot be allowed to become trade centres; that the Durbar were entitled to tax the civil population of the Cantonments; and that the military population only should enjoy the benefit of duty-free supplies”. Methods were proposed for giving effect to these principles. The Resident, in

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communicating the report to the Durbar, indulged in some reflections as to the British rights which vexed the Durbar, but they accepted the recommendations. The Political Department, after a further conference in the following year on the working of the scheme, agreed that it might be tried experimentally. The letter in which this intimation was given to the Secretary of the Maharaja Scindia, was from the Resident at Gwalior, dated May the 27th, 1911. It admitted the claim of the Durbar to tax the civil population of Cantonments, as being in accord with a settled policy of the Government of India to restrain the growth of such trade centres, "although in the case of Neemuch, usage, it is thought, might possibly justify the adoption of a different principle". But before this rather grudging admission was made, the Resident stated that, whether or not the conditions under which the present garrisons were established in 1860 were different from those under which the Subsidiary force of 1804 was created, the troops now in Gwalior were maintained under the Treaty of 1804. He continued:—

"In the circumstances the exemption reserved to the Subsidiary force of 1804 by Article 5 of the Treaty must in the opinion of the Government of India be held to apply to the troops now stationed in Gwalior territory.

"It is considered not open to the Durbar to put forward new claims based on a literal interpretation of Treaties many of the provisions of which are obsolete or have to be construed with reference to conditions which have subsequently arisen."

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The opinion expressed by this Officer, that the Treaties are often obsolete, is the considered opinion of his Department. He did not hesitate to put a special construction of his own on an old Treaty of 1804, without reference to two later Treaties which modified it. The Resident at Gwalior was carrying out the policy which has been fostered by the secret book of "Political practice". The Durbar were eloquent in reply. They quoted the doctrine enunciated as to the obsolete provisions in Treaties, and said:—

"The sweeping terms of the above pronouncement have filled the mind of the Durbar with anxiety if not alarm. As it stands, the pronouncement is pregnant with a standing menace to the undoubted solemnity and immutability under all ordinary circumstances of the mutual obligations contained in Treaty provisions. The Treaties are the palladium of the rights and privileges of the Durbar, and the scrupulous regard with which the British Government have always maintained intact both the letter and the spirit of the Treaty provisions constitutes the strongest bulwark of the integrity, safety and permanence of whatever of territory and rights was left to the State on the conclusion of the Treaties. They cannot, therefore, I am directed to respectfully submit, be regarded as liable to be considered obsolete or to be construed with reference to the exigencies of changed times, except where an inexorable and all-compelling necessity demands it, which contingency, however, is extremely rare, if not impossible, in these days.

"Taking the present case, it may be noted that the Durbar had already cheerfully offered exemption from

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duties in regard to the Military population as a matter of comity and mutual helpfulness. Thus the Government's object was fully secured and therefore the necessity of construing the Treaty provision in a special way was non-existent, much less was it an inexorable necessity."

But the doctrine had been declared. The Resident in closing his dictatorial letter said that the rights of the Paramount Power had "thus been made clear". So the promising effort of the conference was pigeon-holed. The next development was a dispute over the rate of Customs duty, and this controversy dragged on for thirteen years. Then, in 1924, a new set of proposals were received from the present Excise Commissioner. These are regarded by the Durbar as subversive of the principles recognized by the Government of India in the conference of 1909, as indeed they are, and the argument is still proceeding.

### (3) RAILWAY "SCROUNGING"

In nothing material have we produced a greater change in India than by the creation of the railway systems. It is needless here to dilate on the development of wealth they have brought, or the enormous impetus to trade and agriculture, the new mobility given to labour, and the safeguards for order and security. The railways were bound to come; but it was of great moment that a Paramount Power was able to foster them at birth. In the beginning, before the whole problem was realized, it was thought that private enterprise, tempted by a Government guarantee, would meet the necessity. There were only a few short lengths of railway when the Mutiny broke out, though the East India Company had made agreements with various private companies, and trunk lines had been projected. After 1858 the system grew rapidly, and in a dozen years the Government took up the question of construction themselves, with an eye also to the purchase of the working companies. For many years the lines failed to produce enough profits to meet the charges, but there was much encouragement in the fact that the tonnage carried was doubled every six years. The country was being opened up and the political aspect of the main lines was



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recognized. Under Lord Mayo's Viceroyalty the railways were pushed ahead, and the States were asked to provide land free for strategic lines passing through their territory. Such grants were willingly made, and some of the States also provided the companies with free timber and other building material, and where the land was owned by native subjects, themselves paid these landowners compensation.

Since the Paramount Power had assumed the responsibility of defence against external and internal dangers, when railways became necessary to this defence it was a rightful interpretation of pre-railway Treaties that facilities for their construction should be given in the States. But more than this was required, since in moving troops there must be a uniform system of control, and one railway law. The Paramount Power needed a certain jurisdiction over the lines, and to obtain it new Treaties or agreements were necessary, as the assumption of jurisdiction would have been an infringement of internal sovereignty. This was recognized by the Government of India, and they made agreements with the States, obtaining jurisdiction for the purposes of a railway, so that the Government might ensure its safe and efficient conduct, control its employees, and guard or watch persons temporarily using it. There is no doubt from the original railway agreements that the civil and criminal jurisdiction asked for was to enable British Courts to operate uniformly in railway cases, though afterwards the cession was over-laid with other interpretations. The lands given were wanted for sidings, stations, and warehouses or workshops connected with the railways; and when State

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railway lands were ceded the Government of India used them for these purposes. During the Viceroyalties of Lord Mayo and Lord Northbrook the Political Department were not wholly dominated by the ideal of uniformity, so that for a time these cessions were not made an instrument for strengthening the British hold over the States.

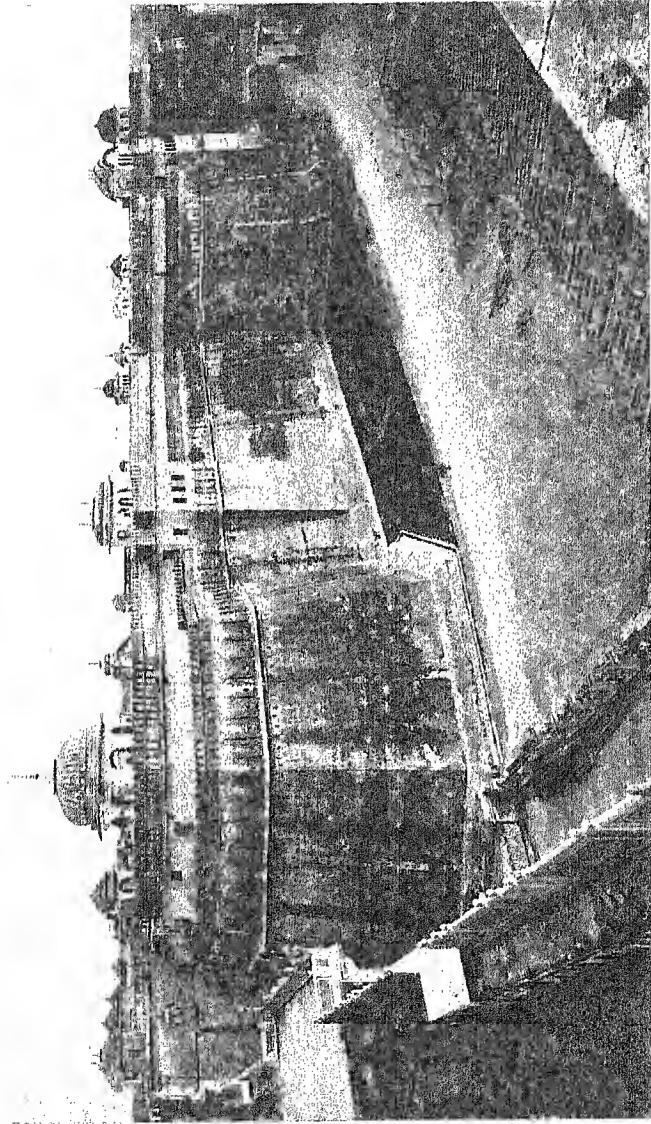
But as political practice became more ambitious, and the need for revenue increased, the original agreements were ignored, and the railway lands were gradually used for purposes detrimental to the interests of the States. It was never intended that these lands should become British territory, that large railway colonies should spring up there with co-operative stores which exclude the local trader, and that exciseable articles should be sold without payment of local duties. It was not part of any bargain that State police should have no right to arrest offenders escaping on to the railway from native territory; or that the elaborate procedure of extradition should be necessary. It was never intended, nor was it asked or granted, that British Indian legislation, including the British fiscal laws, should be applied to these lands to the exclusion of State legislation. Indeed, the States stipulated that there should be no such infringement of their rights, and the Government agreed to the stipulation in various cases. For instance, in the railway terms agreed in 1864, with Maharaja Holkar, of Indore, it was provided that no railway land should be allotted to traders who did not pay State taxes, that warehouses should be under the Durbar's jurisdiction, and that State subjects fleeing from justice to the railways should be handed over. This agreement,

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however, proved worthless to Indore, as its provisions were not observed.

To illustrate the growth of political practice applied to railway administration in the States, and the way in which railways have been used to deflect the Treaties and agreements, and to secure more power and revenue for the Government of India, it is only necessary to follow step by step the history of this matter in the States of Patiala and Jind. These flat and fertile countries are ideal ground for railways, and their rulers have not only encouraged every effort to develop them, but have taken part in the work. The present Maharaja of Patiala has just built a new and important branch line in two sections. The first railway to run through Patiala was constructed sixty years ago, and full rights of jurisdiction were reserved to the State, which in its Courts heard all cases concerning railway employees. But when the Rewari Ferozepore railway was made, the Punjab Government asked for the cession of all jurisdiction over its lands. The Council of Regency—for there was a minority administration—defined the jurisdiction they were ready to cede. Their stipulations are recited in the following letter of May the 20th, 1886, from the Under Secretary of the Government of the Punjab :—

“From your letter it appears that the Council of Regency is prepared to cede such jurisdiction as may be necessary for railway purposes, but seeks to limit the concession so as to avoid difficulties which may arise from questions of extradition. The Council holds that the cession of full jurisdiction would convert the railway line into British territory, and urges that offenders who



FORT PATIALA, IN THE CAPITAL OF THE KINGDOM CARVED FROM THE MOGHAL EMPIRE BY  
RAJA ALA SINGH



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had committed offences in Patiala territory might escape on to the line, and thence flee to other parts of India. It is also believed that it would be still more difficult to deal with such offenders, if they claimed to be British subjects; and lastly, it is contended that criminals would take advantage of the railway for miscellaneous evil purposes. . . .

“The cession of full jurisdiction need not in any way affect the question of extradition. The State is not asked to cede its sovereign rights in the land, but only that full jurisdiction which is necessary to enable British Courts to take cognizance of matters that occur on the line. The lands occupied by the railway will remain Patiala territory, and Patiala subjects taking refuge therein do not become British subjects, and are not released from any liability they may incur to the Patiala State for offences committed by them in Patiala territory.”

So long as the Government asked for such jurisdiction as would give them authority to control the railway throughout its length, they were concerned with purposes of defence. The Patiala Council, in ceding the jurisdiction then required, asked for a formal document embodying the British assurances, and this was given by the Under Secretary of the Punjab Government, on November the 24th, 1886, with the following amplification :—

“The jurisdiction of the British Criminal Courts empowered under the Notification of the Government of India will be limited to those offences which are committed within railway limits, and will not apply to offences committed by Patiala subjects within Patiala territory outside those limits; and the railway police

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should not refuse to give up to the Patiala authorities persons found within those limits who are reasonably suspected of having committed offences in Patiala territory not included in the railway premises."

The State did not in their communications admit that uniformity of jurisdiction was necessary; but they ceded the "full jurisdiction" required to enable the British authorities and Courts to administer the railway efficiently, while reserving sovereign rights in the railway lands, rights of extradition, and jurisdiction over any subjects of their own who might seek refuge from State law within the railway zone. In the case of the Rajpura Patiala railway, which was entirely within the State, the Punjab Government at that time did not ask for a cession of jurisdiction, but said that if it were extended, or included in the Imperial system, they might ask for jurisdiction "to the same extent" as on main lines. At its own cost the State during the next year or two built the extension to Bhatinda, and enjoyed complete jurisdiction over the whole line, and policed it, for some six years. In 1893 and again in 1896 the Punjab Government proposed to substitute British for native police, but the State objected, and as no complaint could be made against their administration the matter dropped.

The Political Department, who had proceeded rather delicately so far with Patiala, had already shown a desire in other States to advance their powers over the railway zones in excess of their ceded rights. But in 1897 the Railway administration suffered a severe check from the decision of the Privy Council in the famous case of

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*Muhammed Yusuf-ud-Din* versus *The Queen Empress*. In this case the railway jurisdiction ceded by the Nizam of Hyderabad had been stretched to cover the arrest at a State railway station, under a British warrant, of a subject of the Nizam's for an offence committed in British territory. The Privy Council held that the arrest was illegal, because the jurisdiction granted did not relate to offences not committed on the railway, or unconnected in any way with its administration. It was thus made plain that the jurisdiction granted by an Indian State was for railway purposes, as the Patiala Council had contended, and not in contravention of State rights. The late Lord Halsbury, in giving judgment, said:—

“The railway territory has never become part of British India, and is still part of the Dominions of the Nizam. The authority therefore to execute any criminal process must be derived in some way or another from the Sovereign of that territory, and the only authority relied on here is the authority given in the correspondence which constitutes the cession by the Nizam of jurisdiction to the British Government.”

The Political Department had shown in this case, as well as in others, their belief that all that was necessary to adapt the Treaties to modern railway conditions was to issue a notification of their requirements to the State, and to secure assent by argument or pressure, or even to enforce their policy without assent. Dealing with this point, Lord Halsbury said:—

“It is important to observe that the notification upon which the learned judges in India appear to have relied



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would itself give no such authority. Even if in more extensive terms than in fact are included in the notification, it had purported to give jurisdiction—as the stream can rise no higher than its source—that notification can only give authority to the extent to which the Sovereign of the territory has permitted the British Government to make that notification . . . The notification is not the source of authority. The authority, of which this is only the notification, is derived from the Sovereign power of the Nizam himself. It becomes therefore necessary, as there is no express Treaty, and no words which in themselves precisely define the amount of jurisdiction intended to be conveyed by the Nizam, to revert to the correspondence which passed between those representing the two Governments—to see in the first place what was asked for, and what was ultimately conceded.”

This decision was very disconcerting to the Political Department, which had begun to build up a policy of railway administration based on their own interpretation of what the Treaties should rather than did prescribe in respect of internal sovereignty, just as they were accumulating a body of “Political practice” for their Officers in other directions. They decided that steps must be taken to acquire those powers in the States which the Privy Council denied them. There is evidence of their perturbed counsels in a letter from the Resident at Jodhpur with regard to the Jodhpur-Bikaner railway, dated September the 5th, 1899, two years afterwards, in which he says,—“I find the Government of India have laid down after consultation with the Secretary of State that in future

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declarations are to be obtained from Native States for the cession of 'full and exclusive power and jurisdiction of every kind' over the lands in the State occupied by railways". In the spring of that year the Department obtained the sanction of the Viceroy and the Secretary of State to an effort to get the cession of jurisdiction which they wanted by distributing to the States what was described as "a single, clearly expressed and self-contained document, so that the necessity for a reference to previous and probably vague correspondence may not arise". Not only to Jodhpur but to many other States printed forms were sent, which they were pressed to sign. How many of them did sign these notifications, or requisitioned agreements, is something of a mystery. There is record in 1899 of Gwalior having signed the form for one railway, but Aitchison's "Treaties, Engagements and Sanads" does not give any others, although it purports to contain the railway agreements.

We find that the Resident at Jodhpur when writing to the Durbar on April the 7th, 1900, was concerned to minimize the effect of the cession, and proposed an evasion of the Privy Council's decision:—

"The Durbar appears to apprehend that the Government of India aim at exercising certain rights of sovereignty combined with jurisdiction which they have not exercised heretofore. This is not the case. They do not ask for a cession of sovereignty any more than they have done before. But it has been found necessary to remove from the existing agreements for the cession of jurisdiction certain doubts to which a

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test case in the law courts showed that those agreements were exposed. The present form has been settled in consultation with the Secretary of State for India in England and does not admit of variation. . . .

“The suggested proviso in regard to the arrest of offenders on railway lands is in reality devoid of practical importance. Such offenders will be made over to the Durbar authorities in future under precisely the same arrangements as at present. There is no intention of modifying the existing rules in this respect.”

The form distributed was not accompanied by any statement that far wider powers were now being asked. It was pressed upon Patiala in 1899; and on April the 5th, 1900, only two days before the Resident's letter to the Jodhpur Durbar, the Secretary of the Punjab Government wrote to the Government of Patiala,—

“Upon a full review of the case the Government of India have come to the conclusion that for Imperial reasons which apply throughout India and which are of the utmost importance for the administration of the whole system of Indian railways, it is necessary that the Patiala Durbar should comply with the wishes of Government in the matter, as the majority of Native States have already done in India. His Honour must, therefore, ask the Patiala Durbar now to carry out the request of the Government of India and to return duly signed two copies of the Agreement in respect of each of the railways mentioned in that letter.”

The statement that the majority of the States had agreed to the form was far from being true. On the same date this Officer also wrote to the Jind State a letter in identical terms, for Jind had not only asked for concurrent juris-

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diction of railway and State police, but had stood out for its rights of sovereignty and extradition over the railway lands. The reply from Patiala was eloquent:—

“The question raises some very important issues touching the honour, prestige, and administration of the State, and even a portion of its income. . . . The Government have invoked the plea of ‘Imperial reasons’ in support of their claim for plenary jurisdiction, but it being not clear as to what was included in the phrase ‘Imperial reasons’ it was replied that the word as understood by the Durbar was that this jurisdiction was considered necessary for the following reasons:

- (1) Strategic purposes, that is for the protection of the Empire in the event of an outbreak of war.
- (2) To have uniform laws and rules over all the Railway lines in the interest of general administration.
- (3) That the Magistrates dispensing laws should be of the same legal acumen and experience as the Magistrates of British territory.
- (4) To extend to British foreign subjects, and Europeans residing within the railway limits of the Native States, all the special privileges allowed to them under the British Indian laws.

“With regard to No. 1 it is needless for me to dilate upon the sincerity of purpose which characterized the actions of the Rulers of the Patiala State and Motamids (accredited agents) in their relations with the British Empire. They gave a practical proof of their loyalty to the British Government by creating Imperial Service Troops, and placing them unstintedly at the disposal of the British Government in times of need,

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themselves enthusiastically participating, for instance, in the Frontier, and Mohmand campaigns even at the risk of their lives, only with a small escort. As you are aware, his own services and those of his army were offered for the expedition to China by His Highness Maharaja Saheb Mohinder Bahadur. The Durbar are quite prepared to place this railway line at the disposal of the Government in the event of war for safety of the Empire."

Patiala might also have reminded the Punjab Government that their Sanad of 1860, in recognition of vital services during the Mutiny, reaffirmed the Maharaja's exercise of sovereign powers over his ancestral and acquired possessions, and engaged that the British Government should never demand any tribute on account of revenue, service, or on any other plea. But it would not have availed against the machine. The exhortations of the Department continued, and at length the Durbar signed jurisdiction forms for four of their railways, "merely with a view to secure the good-will of the Government". Even so, they made certain reservations, and expressed the hope that when it was opportune the Government would reconsider these matters. The Jind Durbar also complied, though they held out for some months against one of the proposals. These two Phulkian<sup>1</sup> States acted in concert. In practice, Patiala continued to exercise jurisdiction over some of its railways for a season. But steady pressure was applied to the States from this time onwards to widen the British power. It was evident

<sup>1</sup> A term applied to these States because their rulers are descended from Phul, a common ancestor.

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that the ideal of the Political Department was to make the railway lands running through the States British territory, where British Indian law should run, and British authority be absolute.

Patiala was more resolute than some States in contending for its rights. After their eloquent outburst against the cession of full jurisdiction, the Durbar argued in 1901 against the extradition procedure proposed, and the application of the Excise and Arms Acts to railway territory. Again they were told that the surrender of their sovereign rights was not contemplated, but they were asked to make separate representations on the British laws to be applied. The Government of India then armed themselves with further powers, passing in the following year the Foreign Jurisdiction Order in Council, which extended the application of specific laws of British India to railway lines in the States. These laws were very comprehensive, and under their application the Political Department began to make the railway lands and premises yield extra revenue in various ways. Excisable articles such as liquor and tobacco were sold at the stations without toll of Durbar duties; the India Stamp Act was applied, involving another leakage of State revenue; and income arising within the railway areas was subjected to the Government of India income tax.

The Department's policy naturally lent itself to abuses. The Resident at Indore in 1912 asked that a plot of land might be given for a bulk oil installation, and when the State agreed on condition that they received the rent of the land, the reply was that the Government had ruled

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that bulk oil was a *bonâ fide* railway purpose. The result of this installation was that oil was sold direct to traders, escaping Durbar duty, and it was ten years before the State could get the decision reversed. In Jaipur, in 1910, the Department granted a plot of land to a priest for the erection of a church, on a long lease at a nominal rent, and the Durbar were told that the lease had been given for "*bonâ fide* railway purposes". It was a petty grievance, and so, too, is Rewa's complaint that all forest produce is collected on the railway lands, and even lac from the trees jutting over them. But the sum of the grievances, large and small, spells much loss of revenue to the States, apart from the infringement of internal sovereignty. On the other hand, although the States gave the land, and in many cases construction costs, and to-day bring large revenues to the British Indian system, they have no share either in railway profits or policy.

The dispute with Patiala over the extension of the British Arms Act to railway territory came to a head in 1912. The State's chief objection to the Act was that State Officers carrying arms might be molested without just cause by the British railway police, who had by this time been installed on some of the lines. The Government notification which was sent for signature made the Political Agent the final arbiter on all questions of arms, munitions and military stores which might be moved. The Durbar delayed reply while consulting the Jind State. Jind had been subjected to the same system of "scrounging", although it had received all the earlier assurances as to sovereignty. It had been told in 1886 that

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the State by ceding full jurisdiction was not asked to cede its sovereign rights in the land, and that the railway lines would remain Jind territory. When, after the *Yusuf-ud-Din* case, it was required on the new railway forms to cede "full and exclusive power and jurisdiction of every kind", the State received an assurance that no surrender of sovereignty in the lands was asked, a dubious assurance, since it was coupled with the claim of the Government to legislate for these lands. Still, the Lieutenant-Governor had said that he would be happy to consider the State's objection to the application of this or that Act, and that the British laws should not be applied *en bloc*. The fiscal laws, for instance, were to be left open to consideration. The result of the consideration was that before long liquor sold on the railway was cluding the native Excise duty; while in regard to the Arms Act, the State police had to get a British licence whenever travelling to arrest an offender.

But while the States delayed and deliberated, the Department decided to act, and in a curt letter the Political Agent wrote to the Foreign Minister of Patiala, on April the 1st, 1913:—

"I am directed to state, for the information of the Durbar, that in exercise of their right to legislate for Railways over which full civil and criminal jurisdiction has been ceded, the Government of India have decided to proceed in the matter without awaiting the replies of the Durbars in question."

This was the iron hand; the velvet glove had been withdrawn, soon to be cast away. The original railway



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agreements were waste paper. As to the Treaties, the Department interpreted them as they pleased, being both witness and judge in their own case. The States were not always sure of their rights, because they were isolated. This isolation was a great advantage to the Department, and the consultation between the Phulkian States was no doubt somewhat disconcerting. Patiala was a difficulty; the arguments of its Ministers were logical and persistent. For some years it had opposed the fiscal jurisdiction which was gradually being enforced. It complained that the British system led to smuggling, and the leakage of State revenue; it protested when the Government seized illicit opium on the railway, refusing trial of the culprits in the State Courts. It stoutly opposed the application of the British Indian income tax in April 1917, claiming that the Patiala income tax should apply to the earnings of certain railways, and to the incomes of employees resident in the State.

The Political Department determined to make a clean sweep of all these arguments. "Enough of this foolery", was in effect their reply, to quote the phrase once used by Sir Henry Campbell-Bannerman in other circumstances. The Political Agent to the Phulkian States, in an identic letter to Patiala and Jind, dated November the 13th, 1917, laid down the law:—

"The use of the term 'exclusive' places beyond doubt that the Chief has reserved no jurisdiction to himself. Full and complete jurisdiction has been ceded to the British Government and the Durbar's request that for certain purposes the railway lands should be considered

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to be under the sole jurisdiction of the Durbar could not be granted without a retrocession, in part, of the jurisdiction which the Durbar has ceded. That has never been contemplated.

"All that Government offers to do is to consider any representations the Durbar may wish to make against the application of any particular law, but it has never offered to allow them to substitute and enforce their own law. Only those laws which the British Government apply can have force in the lands in which full jurisdiction has been ceded, but Government is ready to consider the views of the Durbar in deciding what laws shall be declared to apply.

"With reference to a question that some clear decision be given of the sovereign rights which still remain with the State over the ceded lands, the answer is that it is only nominal sovereignty that remains with the Durbar, all the rights or powers of sovereignty have been ceded to the British Government under the term 'full and exclusive jurisdiction of every kind over all persons and things whatever, within, etc.' This phrase covers all rights of sovereignty except the name.

"The Durbar's rights of sovereignty are in abeyance for so long as the cession of jurisdiction continues. They have temporarily passed to the British Government though the nominal sovereignty remains with the Durbar. Should the ceded lands cease to be used for railway purposes the jurisdiction of the British Government would *ipso facto* come to an end, and the Durbar in virtue of its undisturbed sovereignty would at once resume jurisdiction.

So, despite all the assurances that no surrender of sovereignty was asked, everything was gone but the name.

## CHAPTER VI

### ARMS AND DEFENCE

#### (1) SUBSIDIARY FORCES, AND THE HYDERABAD CONTINGENT

It is easy to trace from the documents which have been laid under contribution the progress of the short-sighted and selfish policy which impelled the Political Department to seize the salt works in the States, and to acquire covert and profitable jurisdiction over railway and other lands. Zeal for what was thought to be in the interests of British India; the pursuit at the expense of justice of bureaucratic ideals of efficiency and uniformity; and the temptations of untrammelled power, were milestones on the way. But it is more difficult to explain the strange obliquity of vision which has led the Government of India to deny the existence of endowments made by the States for the upkeep of the British army. Until the Ruling Princes co-operated in a special effort for Imperial defence, it was generally denied that the States contributed anything to the military force which keeps the Pax Britannica. The official view, which has not changed, was summed up by Lord Curzon in 1904 in a letter which he addressed to several Princes who had delayed to join the movement. He thus described the principle on which the Govern-

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ment commended the Imperial Service scheme to the States:—

“It rests upon the unassailable proposition that the Chiefs and peoples of the Native States profit, equally with the inhabitants of British India, by the protection accorded to them by the British Government, and in the last resort by British arms; that the interests of these States and of the British Government are absolutely identical; and that there is no reason in equity why the people of British India should support the whole, or at any rate, by far the greater part of a charge that is equally applicable to all. It has been under the security guaranteed to them by the Indian Army against either external invasion or internal revolt that the revenues of the majority of Native States in India have doubled, and trebled, and in some cases been multiplied tenfold, during the past century.”

Lord Curzon was steeped in knowledge of the past, and we must assume his acquaintance with the Treaties whereby many States made a permanent contribution to the cost of our army by the cession of revenue bearing lands. It had long been the Government's policy, however, to ignore their indebtedness under this head, and to dispose of the revenues as if they had been the gift of a fairy godmother. But for this, it would have been a piquant reply, in recent years, to the Swarajist complaint that our army charges imposed an unfair burden on British India, to have stated that the costs were largely borne by the Indian States.

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At the time of the Mutiny forty per cent. of our army was paid for by the States. We stationed in their territories Subsidiary forces—troops of sepoys, generally six to eight thousand strong, drawn from Madras, Bengal and Oudh, whom we trained and officered. For their upkeep the States under their Treaties paid by the cession of rich lands, while we undertook to protect the Rulers from external aggression or internal dissension. It was our obligation to defend, theirs to defray the cost. At a later day all these forces were withdrawn or submerged in the British army, but the lands were retained. Since the Mutiny the revenues accruing to the British Indian exchequer from these lands have been trebled, so that to-day, despite increased army charges, it is an “unasailable proposition”, in Lord Curzon’s phrase, that the greater part of the British army is paid for by permanent endowments from Indian States. The revenues go into the general pool, and the account for the ceded lands is a secret carefully guarded. The Harcourt Butler Committee were asked by Sir Leslie Scott to obtain the information for the Princes, but the request was evaded. Over and above this permanent contribution, the Ruling Princes now provide through the Indian State forces a total authorized strength of about 45,000, with an effective strength of about 35,000, and there are other troops also available for our use. Then, the States have their own armies, which we are prone to belittle; but they are sometimes required in an emergency, since the Government nowadays seem to resent the old Treaty obligation to suppress internal disorder, and if they do lend our troops

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are inclined to make it a pretext for interference in administration.

To elucidate the system of Subsidiary forces by which the East India Company held India after the British power became paramount we must dip into the past. At the time when Lord Wellesley developed, and Lord Hastings completed the system it was perhaps the only way in which the British power could have been maintained, and the peace of vast territories ensured. The major problem of governance in India during the last seventy years has been the development of British India, to which the interests of the States have been made subservient. But it was otherwise in 1818, when to keep the alliance with the States was a major problem. At that time the greater part of the continent was still in possession of States, not all of whom were allied. Oudh, Nagpur, the Punjab, Sind, and many minor territories had not been annexed, and the British army was small. During Lord Wellesley's administration a reorganization of the army was effected doubling its strength, which in 1805 was 24,500 British troops and 130,000 Indian. But though in the third Mahratta war this sufficed to conquer, it could not hold the country. The distances were too great; and the Indian troops, though they would fight in a far country, resented a prolonged garrison duty away from their homes, and sometimes mutinied. It was therefore necessary to have auxiliaries. The policy of the Ring-Fence pursued by Warren Hastings, which may briefly be described as the support of buffer States between us and distant foes, was no longer applicable to the

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situation. But occasionally support had been given to a friendly buffer State by allocating a Subsidiary force to its use, and this was the germ of our new policy.

The net-work of Treaties which Lord Hastings made in 1818 provided in most cases that the Ally should receive a Resident at his Court, and keep near his capital, at his expense, an army recruited, trained and commanded by English officers. Victories in the field gave us power to isolate the States by taking responsibility for their foreign relations, and the corollary was that we should by means of Subsidiary armies defend them from external attack and internal revolt. The need for such isolation had been shown by the growth of the Mahratta confederacy. The Mahratta States whose forces had revolted had little option but to accept our conditions; and the States released from the Mahratta bondage, like those of Rajputana, were glad to come under our protection and trust to our justice, having endured evil. It was not unnatural that to secure payment of the Subsidiary armies or Contingents we should stipulate for the cession of revenue bearing lands within the States. There was constant turmoil in those days, good faith was at a discount, and the best security for money was land. Lord Hastings took the larger cessions of land from defeated States, making various adjustments; and in the case of minor Principalities, he suited our demands to their means, or accepted money contributions where this was less onerous. He showed his statecraft, following in Lord Wellesley's steps, by appropriating those lands

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which served to link up or protect the possessions of British India.

No advantage secured to us by statecraft, however, could outweigh the inherent defects of the system, from which both parties to the transaction were to suffer. Doubtless to the Governors of those days to establish and control forces in an allied country may have seemed in the Roman tradition; but very different from Roman legions were the sepoy we planted in the States, recruited from areas which were to become the centre of disaffection. They were a dire peril to us in the Mutiny. And to the States the foreign armies, so far from being a compensation for the loss of their external relations with the world, were a source of weakness and corruption. There were not wanting even then some men with forward vision, and Lord Hastings was warned of the danger to the States by Sir Thomas Munro, the Governor of Madras, in a prophetic letter. "There are many weighty objections to the employment of a Subsidiary force", Sir Thomas wrote. "Wherever the subsidiary system is introduced, unless the reigning Prince be a man of great abilities, the country will soon bear the marks of it in decaying villages and decreasing population. The simple and direct mode of conquest from without is more creditable to our armies and to our national character than that of dismemberment from within by the aid of a Subsidiary force. However just the motives may be from which such a force acts, yet the situation in which it is placed renders its acting at all too much like the movements of the Prætorian bands."



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This was the history of Hyderabad, and several other States. Their independence and authority were undermined. The State armies, mostly cavalry, although numerous were of loose discipline, and only partially equipped. In the eyes of all they suffered by comparison with the alien force, disciplined and armed by the Paramount Power. It was remembered that Indian troops when the odds were ten to one in their favour had sometimes been defeated by the British army. So, while the Company gained by a system which placed at their call in time of need a much larger army without any cost to their exchequer, the States lost prestige under British surveillance. A good Prince was robbed of authority in the eyes of his subjects; the actions of a shallow or corrupt ruler when upheld gave occasion to feudatory nobles to rebel; and civil administration languished under the shadow of military force. It is an obscure corner of history, but all the evidence which has come down to us shows that the system was disruptive.

The old quarrel over the Hyderabad Contingent is still an issue to-day, because the British took the province of Berar to pay for its upkeep, and would not restore the lands when the force was abolished. And the history of the Contingent is an issue because the Harcourt Butler Committee in their Report have founded themselves upon inaccurate accounts of our conduct in Hyderabad to support the contention that Treaties may be broken. Our relations with the premier Mohammedan State have rarely been fortunate. From earliest days Hyderabad, in the heart of the peninsula, or Deccan, as the pear shaped

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southern portion of India is generally called, was of vital importance to the British, since it was contiguous with the Madras Presidency, and a bulwark against the turbulent central provinces. It was the mark of French military adventurers during the struggle for dominion between Britain and France; and although the first British Subsidiary force placed at the disposal of the State dates from the days of Clive, it was not until 1798 that Nizam Ali at our desire disbanded his French levies. Before this, under the engagement of Clive, to aid the Nizam we had kept battalions in the Northern Sarkars, or Circars as we called them, the great sea-board districts south of Orissa on the road to Madras. Our Treaty obligation endured, that we should pay the Nizam £50,000 a year for our occupation of these Sarkars when the battalions were not requisitioned, though the history of the arrangement was a chequered one up to 1798. Under Lord Wellesley's Treaties of 1798 and 1800 a new and larger British Subsidiary force was stationed in the State itself. Its strength was 8,000 infantry and 1,000 cavalry with artillery; and the Nizam engaged to keep also an army of his own of 6,000 infantry and 9,000 horse, to help us in war.

From this date it became the Government's custom to speak of the Nizam's own army as the "Contingent" promised to us in emergencies. Twenty years later, under Lord Hastings' Treaties, the term "Contingent" was used alternatively with "Subsidiary" to denote a British force established in an allied State. For instance, in Gwalior our subsidiary army was called the Gwalior Contingent.

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The earlier application of the word *Contingent* to the Nizam's national army is responsible for some of the confusion of thought as to the forces in Hyderabad which is displayed in our histories. To secure the regular payment of the British Subsidiary force, Nizam Ali in 1800 ceded to the Company all the territories he had acquired under the Treaties of Seringapatam and Mysore, and boundaries were adjusted. The ceded lands included the troublous regions of Bellary and Cuddahpah to the south of the State. As no troops were in future to be sent from the Northern Sarkars, the rent due from us for those districts ought to have been brought into the settlement, but it was not. By the Treaty the Company undertook that there should be no interference with the Nizam's subjects or family, and that the Subsidiary force should be used to suppress internal disturbance, as well as to guard against external attack.

Lord Wellesley's policies, however, were unpopular with the East India Company on the score of expense, and when Lord Cornwallis was sent out in his old age to economize, one of the first things he did was to write to the Nizam's successor, Sikundar Jah, in August 1805, to deny the use of the Subsidiary force for suppressing disturbances. There were predatory bands, and sometimes rebellious feudatories to be reckoned with, and the Nizam considered that as the State had paid for the Subsidiary force it ought to be used to keep order. He was advised by Lord Cornwallis to create a separate force of yeomanry for such duties, but he refused, basing himself on Article 17 of the Treaty. This expressly provided that

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if debts were repudiated, or "rebellion or disturbance" excited by two Zemindars who were named, "or any other subjects or dependants" of the Nizam, the Subsidiary force "shall be ready, in concert with His Highness's own troops, to reduce all such offenders to obedience".

Nizam Ali had died in 1803, and his Minister did not long survive him. Sikundar Jah, the new Nizam, although far from capable in affairs, sought to govern for himself. The choice of Prime Minister, therefore, was important to the British, and the Resident, inspired by Lord Wellesley, used all his influence in favour of Mir Alam, who was appointed in 1804. Mir Alam was a distinguished servant of the State, as well as a friend of the British, but he would have been overthrown by a formidable intriguer, Mohiput Ram, had it not been for the good offices of our Resident. When Mir Alam died in 1808 the appointment of a successor gave rise to a heated contest between the Nizam and the Resident, Captain Sydenham, who was backed up by the Government. But the Nizam felt himself to be in a weak position, with an alien force camped near his capital more efficient than his own mercenaries, and with subjects of diverse race, Hindus, Muslims, Pathans and Arabs. So we were able to secure, after protracted negotiations, an extraordinary compromise. We agreed to the Nizam's nomination of a Prime Minister, Munir-ul-Mulk, on condition that he should be only a figurehead, and stipulated that the power should be given to his Deputy, Chandu Lal, who had acted as Mir Alam's financial Secretary, and had identified himself with our interests. The sovereign

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Prince was thus practically excluded from the management of affairs, and retired from the conflict in disgust, leading thereafter a life of gloomy discontent.

Chandu Lal was an unscrupulous Minister, but he could not for a while exercise unrestrained power because the Nizam's army was unfriendly, regarding him as a low born adventurer who had pushed aside their master. It should be mentioned that a section of the Nizam's army at this time had European officers, and the reason was this. Shortly before the Treaty of 1800 we were at war with Tipu Sultan in Mysore, and the Nizam's troops were with us. It was found that his Corps formerly officered by the French were inefficient, and Mir Alam agreed to Sir John Malcolm finding them officers. To lead them, two dozen men were picked out, half being subalterns. There were seven Englishmen, and seventeen Spaniards, Portuguese or East Indians. After the war, and the Treaty of 1800, when these Corps were located in Berar, our Political Agent there, under a friendly arrangement with Mir Alam, the Prime Minister, continued to supply this limited number of officers. Few of them were Englishmen, and none had official military rank under our Government, being Nizam's officers. During the second Mahratta war, in 1803, these troops were not very effective. The Subsidiary force also was not satisfactory. In the year of the Vellore mutiny, 1806, the Subsidiaries had shown disaffection. Three years afterwards they joined in the White mutiny, in which our officers in the Coast army set themselves against the Government. The sepoys at Jaulna, in

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Hyderabad, readily marched with the recalcitrant officers before the mutiny was quashed. In the year following this mutiny, as a precaution, the Subsidiary force was permanently reduced by 2,000 infantry. This was a breach of the Treaty by which we had engaged to keep the Subsidiary force at full strength, and in any case the saving in expense ought to have been, but was not, credited to the Nizam. The annual cost of these disbanded troops having been paid for by the cession of revenue bearing lands, the money saved enriched the Company's Treasury.

In view of the uncertain character of the Subsidiary force Captain Sydenham thought it would be good policy to get more control, if we could, over the Nizam's army. But being censured for advice he gave in connection with the White mutiny, he resigned before making the experiment. The suggestion was handed on to Mr. Henry Russell, who came to Hyderabad a year afterwards, in 1811. The new Resident found Chandu Lal, on whom we depended, fretting for lack of military support, and soon his policy and Chandu Lal's ambition marched together. What followed was so fantastic, and the facts in later years have been so glozed over with official arguments and denials, that it is fortunate from the standpoint of the State that among the witnesses to the truth was Sir Charles, afterwards Lord Metcalfe.

Russell and Chandu Lal found their opportunity in 1812, when two battalions which the Nizam kept in the capital mutinied for arrears of pay. The ringleaders were punished, but the Resident and the Minister managed to

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transfer the troops to their own command, and recruited others. They were attached to the Residency, located in a new Cantonment, and given British officers and artillery. There were at first 2,000 of these soldiers, who formed the nucleus of the famous Hyderabad Contingent, which without any Treaty was established as an additional British force in the State. The charges, paid by the Residency, were reimbursed by Chandu Lal, who abstracted the money from the Nizam's revenues. Out of compliment to the Resident, the battalions were called the "Russell Brigade", the English Commandant was given £5,000 a year, and other officers pay in proportion. Sir Charles Metcalfe said it was "a sort of plaything for the Resident". Disciplined and commanded by the English, the troops were entirely separate from the Subsidiary force. They were soon reinforced, for a successful attempt was made at the same time to draw into the scheme a large number of the Nizam's regular infantry in Berar, including the Corps who had been supplied with heterogeneous officers. Russell managed to place four battalions of these soldiers under the control of the Political Agent, who was given the assistance of a Staff officer. In a year's time our Agent, under the orders of the Resident, had appointed many English officers, commissioned and non-commissioned, and equipped this section of the Berar troops as a British force.

By acting as Paymaster, and with due subservience to the British, Chandu Lal reckoned that this Contingent would confirm him in power, as it did. And to few men

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so insignificant has such power been given. Meagre in physique, very humble in his manner, but ruthless in extortion, he was the prototype of Uriah Heep. Lacking in personal courage he was thankful for the support of an army, and he settled accounts with his patrons in the way best known to him. Although already he had wasted Hyderabad by his rapacity, he made provision for the diversion of some of the State revenues to the Company. The Subsidiary force was camped at Jaulna and Secunderabad. The troops were exempt from the Excise duties, along with native servants and employees. To avoid disputes, the late Nizam had placed Secunderabad under the jurisdiction of the Resident, who made himself responsible for the receipt of the Excise duties, and the return to the State of its proportion. Chandu Lal now intimated that no return of Excise duties from the city need be made, which meant a yearly gain to the Company's Treasury at the Nizam's expense of about a lakh of rupees.

There were three armies now in Hyderabad—the Subsidiary force, which the Government in order to economize would not use to suppress disorder; the Hyderabad Contingent, which owed allegiance to the Resident; and the Nizam's army, which had suffered from the diversion to the Contingent of some of their picked troops. This process had weakened and angered the national army, and the Arab mercenaries in particular were restive. Then, too, the extension of British dominion had driven many bandits into the State. The disorders in the country were reflected in the capital in 1815, when



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the Nizam's sons gathered together a following of desperate bravoës and set authority at defiance. An insurrection seemed imminent, but the Resident, using with the Nizam's consent all the troops available to restore order, quieted the city, and the rebellious Princes were sent off to Golconda. This turmoil for a time diverted the current of hostility which the creation of the new Contingent had aroused in the Court and among the chiefs of the Nizam's army. But the Court of Directors of the East India Company in this year expressed their disapproval of the project, and their wish that it should not be further encouraged. Russell, however, received the powerful support of Lord Hastings when he came out, and in 1816 a large force of cavalry was added to the Contingent. It was no plaything to the Governor-General, but a weapon of war to be used against the Pindaris. In a letter to Mr. Russell he wrote:—

“This invariable attention to the interests of Chandu Lal (to which we are in honour bound), and the maintenance of the reformed troops are the essentials for us. The reformed troops, which we owe to Chandu Lal, will have taken such root in the establishment of the country that there can be little hazard, and shortly there will be none, of any endeavours to reduce them.”

That Lord Hastings was determined to maintain the Contingent is shown also in a Minute of 1819, in which he asked—“Now, would it be consonant to wisdom, or to the trust reposed in us by the Honourable Company, to sacrifice such a security to a casuistical point of equity?” Chandu Lal for his part did not ask anyone

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questions on the point of equity, but subtracted forty lakhs of rupees a year (£400,000) from the Nizam's chest for upkeep of the Contingent, which was nearly a third of the whole revenue of the State. Of this about £120,000 went to the Regimental officers and European staff, of whom there was a lavish provision. Before the crisis came there were no fewer than five Brigadiers with the Brigade-Majors; and separate military and ordnance establishments afforded many comfortable and coveted posts for which the Governor-General had no lack of applicants. The ease with which money could be obtained from Chandu Lal for our own military purposes, or as donations, salaries and pensions for anyone recommended by the Resident, became proverbial, and in the British services the current saying was, "The Nizam pays for all".

In the meantime throughout the country Chandu Lal farmed out the revenue of the several districts to middlemen, requiring from them such sums that they in turn ground down the people till they revolted. The Contingent was used to suppress these revolts, which was naturally distasteful to the English officers. Enormous sums passed through the Minister's hands, although he does not seem to have spent money on his pleasures. His passion was power, and he lived a joyless life working day and night to consolidate it. He rubbed his hands over every lakh of rupees he screwed out of people's necessity. He purchased friends here, bought off enemies there, bribed every one who might have influence with the English, and distributed largesse to the beggars, not in

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charity, but to buy popularity. Sir Thomas Munro's vision of "decaying villages and decreasing population" was fulfilled. In ten years the very sources of extortion were nearly exhausted and the population began to emigrate; while Chandu Lal fell into arrears with the pay of the Contingent. At this even the complacent Mr. Russell made some protest, though since he played so considerable a part in upholding the corrupt Minister, it savoured of the Devil rebuking sin. His expressions on the subject anticipated the philosophies of Martin Tupper; for example, "if we owe the foundation of our Empire in this country to the weakness in which we found the native Princes, we ought not to complain of the evil which that weakness necessarily produces". And again, "if it be true that a part of the mischief has arisen from the predominance of our power, it is for that reason the more incumbent on us to apply the remedy".

His remedy was to put the State, through Chandu Lal, in the hands of that firm of money-lenders, Palmer and Co., whose transactions cast a shadow over the close of Lord Hastings' great administration, and plunged Hyderabad further into ruin. The enormous expenses of the Contingent were thus paid by loans bearing interest at twenty-five per cent., with a huge clandestine bonus to the firm, and *douceurs* to all and sundry, including the staff at the Residency. Into these scandals it is needless to enter in detail since they are set forth in our histories. Lord Hastings gave his sanction to the usurious loans at the instance not only of Mr. Russell, but of a member of the firm, Sir William Rumbold, who had married a ward

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of his. The sins of the Governor-General were bad judgment and obstinacy; his integrity was unstained. The transactions, which were angrily denounced by the Directors of the East India Company, became notorious. Not since the days of Warren Hastings had partisanship run to such a height. Throughout society in India and England temperament, not logic, ruled men's sympathies. Metcalfe's fight for justice recalls the struggles in the Dreyfus affair. In India, even to-day, Europeans are to be found who suggest that Sir William Rumbold and his firm were the losers. But the facts are on record; the Nizam paid for all. The Government cleared off the loans by capitalizing the rent payable by them to the Nizam for the Northern Sarkars. Our annual payment of £50,000 for these coastal districts had been more honoured in the breach than the observance, so that our settlement of the Nizam's alleged debt on the Contingent cancelled a real debt of our own, besides securing us the Sarkars free of all future charges.

Before Mr. Russell, with some eagerness, relinquished the Residency to Sir Charles Metcalfe, in 1820, he had another idea for meeting the deficiencies on the Contingent, and obtained the sanction of the Government of Bengal to a plan for reforming the collection of the revenues. He did nothing, however. Metcalfe took up the project, and secured the assent of the Nizam's Government to the employment of the assistants at the Residency, with some of our military officers, in checking oppression, abolishing the farming-out system, and promoting village settlements for a definite term. The Nizam's Govern-

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ment, of course, was Chandu Lal, who would only consent to the experiment being tried in the northern districts. Metcalfe went very gingerly to work, and saw to it that the actual intervention was carried out by the Nizam's agents, while the British officers who supervised them were not given "any peculiar designation, lest it should be considered as a partial introduction of our rule". This limited effort at reform was beneficial, some of the peasantry who had fled returned to their villages, the land was better cultivated, and order was restored. Nevertheless, the Court of Directors wrote to the Governor-General in 1824 that it was very doubtful whether these proceedings were consistent with good faith; and they also stressed the evil consequences of placing a heavy imposition on the State, such as that entailed by the Contingent.

This protest was ignored. The amazing difference between the mentality of London and Calcutta in these matters was often shown. An instance occurred when Metcalfe first went to Hyderabad, for he took with him a request approved by Lord Hastings that the Nizam should signify his kindness towards Calcutta by a gift of £160,000 for their tanks, aqueducts and lamp-posts. Chandu Lal was ready to comply with any request from the English for money, but the Court of Directors got wind of that proposal in time, and managed to quash it. They pointed out how improper it was to ask for such a donation at a time when the Governor-General had represented the State's finances to be so embarrassed that he had countenanced resort to money-lenders. With

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regard to the revenue reforms, Chandu Lal pretended to put them in force in the southern districts, in sympathy with Metcalfe's effort in the north, but he did nothing, preferring the corrupt farming-out system. And although he had given his consent, he went behind Metcalfe's back to the Governor-General and obtained a promise that the European superintendence should gradually be discontinued.

Another Nizam, Nasir-ud-Daula, succeeded to the unhappy heritage in 1829. A Prince of more spirit than his father, he insisted on taking the reins of government, and at his request, and with the sympathy of Chandu Lal, the *English officers in the northern districts gave up their supervision*. It was feared in Calcutta that this was a prelude to the disbandment of the Hyderabad Contingent as a separate British force. To avoid this if possible, the Government of India informed the Nizam that if the Contingent was done away with we should require in lieu of it a yearly payment of twenty lakhs (£200,000). The calculation was that as our organization of the Contingent cost the Prince forty lakhs, he might be ready to pay half that amount to escape what was now regarded as his liability. This calculation did not take into account the desirability of returning some of the Contingent's troops to the Nizam's own army; nor the fact that the Subsidiary force, which was the only British army we were entitled to keep in the State, was already being paid for by ceded lands. The Nizam, in reply to the amazing alternative presented him, said he would much rather go on with the Contingent as it was. This reply was

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represented in the official arguments of a later day as the acceptance by the Nizam of the policy of establishing the Contingent.

To put a better face on the matter, the Government after this made some minor reductions in the cost of the establishment, but the drain on the revenues was out of all proportion to what the State could bear. The Nizam, too, doubtless in pique, made some additions to his own army. The financial confusion grew worse, and the Prince looked in vain to Chandu Lal, who seemed to have wrung the last rupee of revenue from the land, and was now offering money-lenders assignments of land. Some of the Zemindars in the country were unruly, and the East India Company became alarmed. In 1835 they directed the Government to inform the Nizam that they could not be "indifferent spectators of the disorder and misrule", and to press for a change of Minister. Chandu Lal was much upset at this, as for nearly a generation, with the exception of Metcalfe's five year term, successive Residents had upheld him. However, Colonel Stewart, the Resident at the time, soothed his fears, and the Minister to make a show appointed fresh revenue officers, who secretly were his tools and no better than the others. Eventually, at the age of seventy-seven, Chandu Lal retired, worn out by his misdirected and futile exertions. He left a legacy to his successors of disorganization in every Department of State. The Nizam tried one Minister after another without success. There were revolts in different parts of the country, and half a dozen times we broke the Treaty by refusing the use of the Subsidiary force to restore order.

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The East India Company were kept in the dark as to this, but in 1849 the Court of Directors reverted to their earlier protests when they wrote:—

“If the Contingent imposes upon the finances of the Nizam a greater burden than is required by the maintenance of efficiency, the Nizam ought at once to be released from such unnecessary pressure.”

The Governor-General, however, had other views, and continued to fill up the well-paid posts in the Contingent. General Fraser, who was Resident till the close of 1852, angered Lord Dalhousie by inquiring, in the spirit of Rosa Dartle, whether we intended to make Hyderabad entirely British. In a vigorous reply Lord Dalhousie repudiated any intention of “unwarranted and officious meddling” in the affairs of allied and friendly States, adding that in the Government’s view there must be “no open aggression on the independence of the Prince”. The Nizam, in spite of this pronouncement, was pressed for a cash settlement, or, alternatively, the cession of territory. He made a considerable payment in 1851, when he even mortgaged his jewels, but it did not suffice, and for a time we lent him money at twelve per cent.

The bill which the Government finally presented in 1853 was for 33 lakhs of rupees, to which were added 10 lakhs for interest. The Company had enjoyed the transmission to their coffers of the Nizam’s Excise duties from Secunderabad for nearly forty years, thanks to Chandu Lal, and the total revenue obtained from that source almost tallied with the charges demanded for the Contingent. In addition, since 1810, the Company,



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owing to their reduction of the Subsidiary force below Treaty strength, had pocketed an enormous surplus from the lands which were ceded for its payment, lands which had become more valuable. The Contingent had been imposed upon the State without any Treaty; and apart from this the account between the East India Company and Hyderabad could only have been settled with equity in 1853 by the Company's payment of a considerable sum to the Nizam. But there was none to hold the scales of justice. The Government proposed that the Nizam should cede to them in perpetuity the province of Berar, and two other districts, Dharaseo and the Raichur Doab, which together yielded a quarter of the State revenues, to meet the debt on the Contingent and future payments. Berar, to the north of the State, was the finest cotton growing country, and for a quarter of a century had made considerable exports of cotton to Bombay.<sup>1</sup> It was proposed by this means also to settle another loan on which the Company had been receiving interest.

The Nizam resolutely refused to consider any permanent cession of these territories, or indeed any cession at all, and made alternative offers of money. There were several interviews between Colonel Low, the new Resident, and the Prince, in which according to one authority "we insulted his dignity with unbecoming words." At the same time for some days, an English officer was deputed to examine the outworks of the city to note the defences, which he did openly, telescope in hand. Finally, Major

<sup>1</sup> "Cotton stuffed the ears of justice, and made her deaf as well as blind."  
"The Rebellion in India", by J. Bruce Norton.

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Davidson, the Assistant Resident, urged the Nizam's Minister to promote a speedy settlement if possible, as the British troops had orders to be ready to march on Hyderabad, and the Governor-General waited only for the word. Under this threat the Nizam reluctantly agreed to a compromise, and while refusing cession, assigned "the exclusive management" of Berar and the other lands to the British Resident at Hyderabad. After deduction of the Contingent's charges, and the extinction of the debt, surplus revenue was to be returned to the Nizam. The Governor-General stated that the transfer was temporary.

The Treaty then signed fixed the strength of the Contingent at 5,000 infantry, 2,000 cavalry, and four field batteries of artillery. What must be called a surreptitious advantage was taken in this Treaty to vary the conditions governing the Subsidiary force, so that a proportion of it might be used in Burma and elsewhere, although the Nizam had paid for it. It was afterwards constituted a division of the Madras Army. The claim on the Nizam's own army in time of war was waived. Lord Dalhousie persuaded himself that the Nizam had been treated liberally, although he admitted that the Government had never been entitled "either by the spirit or the letter of the Treaty of 1800, to require the Nizam to maintain the Contingent". Thus the Treaty of 1853, which rifled the State, also condoned the past sins of the Paramount Power. The East India Company accepted the *fait accompli*, but members of the Court of Directors placed on record in minutes of protest their sense of the utter injustice with which the State had been treated.

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The following summary of these events, given in the Hareourt Butler Committee's Report, is an instance of *suppressio veri, suggestio falsi*, unusual in a State document:—

The validity of the treaties and engagements made with the Princes and the maintenance of their rights, privileges and dignities have been both asserted and observed by the Paramount Power. But the Paramount Power has had of necessity to make decisions and exercise the functions of paramountcy beyond the terms of the treaties in accordance with changing political, social and economic conditions. The process commenced almost as soon as the treaties were made. The case of Hyderabad may be cited by way of illustration. Hyderabad is the most important state in India. In 1800 the British made a treaty with His Highness the Nizam, article 15 of which contains the following clause:—

“The Honourable Company's Government on their part hereby declare that they have no manner of concern with any of His Highness' children, relations, subjects, or servants with respect to whom His Highness is absolute.”

Yet so soon as 1804 the Indian Government successfully pressed the appointment of an individual as Chief Minister. In 1815 the same Government had to interfere because the Nizam's sons offered violent resistance to his orders. The administration of the state gradually sank into chaos. Cultivation fell off, famine prices prevailed, justice was not obtainable, the population began to migrate. The Indian Government was compelled again to intervene, and in 1820 British officers were appointed to supervise the district administration with a view to protecting the cultivating classes. Later on again the Court of Directors instructed the Indian Government to intimate to the Nizam through the residency that they could not remain “indifferent spectators of the disorder and misrule” and that unless there were improvement it would be the duty of the Indian Government to urge on His Highness the necessity of changing his minister and taking other measures necessary to secure good government.

These are only some of the occasions of intervention. They are sufficient to show that from the earliest times there was intervention by the Paramount Power, in its own interests as responsible for the whole of India, in the interests of the states, and in the interests of the people of the states.

## (2) *THE PRINCES AND THE MUTINY*

The history of the Indian Mutiny is to us a deathless memory of endurance, suffering and heroism. It might be epitomized in a saying of Mrs. Steel's, that we live to make mistakes and die to retrieve them, for without doubt mistakes in our rule had aroused much enmity. The tale has often been told of the siege of Lucknow, the massacre of Cawnpur, the recapture of Delhi; and the names of Havelock, the Lawrences, Colin Campbell, John Nicholson, and others have become household words. We honour the sepoys in our army who refused the call to treachery; we are revolted by the cruelty of Nana Saheb and his like. We have paid a special tribute to the loyalty of the Indian Princes who stood by us; but looking back over the histories of the past, it does not seem that the part played by the rulers of the Indian States has been described with any continuity. Lord Canning said that "these patches of native government served as breakwaters to the storm which would otherwise have swept over us in one great wave"; and his apothegm is better known than the story of what the Princes did for us.

In the earlier weeks of the rebellion Lord Canning was heartened, in a reeling world, by the loyalty of Hyderabad.

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The State had little reason to love us, as has been shown. But at long last, and after the bitter cup of humiliation had been drained, there had emerged one of those statesmen who add lustre to Indian annals once or twice in a generation. Sir Salar Jung, as nephew of the Minister, had been present at the painful scenes when the transfer of Berar was forced upon the Nizam, and now he was chief Minister; while Major Davidson, who had given the warning in 1853, was our Resident. Salar Jung, a man of wisdom and integrity, more studious than dominant, was convinced that the English connection was the basis of security. Nasir-ud-Daula died a week after the *coup* at Meerut, and Afzal-ud-Daula, who succeeded, listened to the counsels of his Minister, though he was jealous of authority. Hyderabad was a turbulent city within whose walls were a hundred thousand Mohammedan fanatics, all armed, and eager to join the mutiny. Twice the city rose. Salar Jung used the Nizam's Arab soldiers to quell the first rising. On the second occasion a regiment mutinied and with the mob attacked the Residency. The British troops had been warned by Salar Jung, and they were aided by the Nizam's army in crushing the insurrection.

Hyderabad was in a strategic position. If the Nizam had headed his troops against the British, the flame of revolt would have spread south, east and west. For three months, before there were strong reinforcements, the fate of India lay partly with Hyderabad. During those months rebels crossing the border brought news to the bazaars that the infidels had fallen, but the Nizam and Salar Jung stood firm. To the north of the State, Berar followed the lead

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of the Nizam. In the south-west, a feudatory Raja who rebelled was defeated by the Contingent with other troops. We were secure in the south, since Hyderabad steadied Madras; and Mysore, Travancore and Cochin remained loyal. Later we were able, with the full concurrence of the Nizam, to send a brigade from the regiments of the Hyderabad Contingent to fight in Central India, where they did valiant service.

Bengal and the middle lands were almost denuded of British regiments. Before engaging in the Persian war, and to impress the Amir, 11,000 of our men were gathered on the North-West frontier, where at a Peshawar Durbar they had been paraded. A detachment had been sent east of the Sutlej river to Simla, which was then almost as remote from our base. The English, being a maritime Power, in conquering had based themselves on the sea, at Calcutta, Madras and Bombay, but chiefly Calcutta. In the past the Afghans, followed by the Moghals, had conquered Hindustan by sweeping down from the north-west mountains along the route of the valleys to Calcutta so that by them Bengal was conquered last. The British had come to Bengal from the sea, and pushed their way up towards the north-west, reversing the order. Thus, not only by recent events in the Punjab and Afghanistan, but by our history and traditional strategy we were impelled to look for danger in the north-west where most of the scanty British forces were stationed at the crisis. And there were scarcely a hundred miles of railway, though we had the electric telegraph. It was by the roads that we held the continent.

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The main road, the backbone of Hindustan, as all the world knows, is the Grand Trunk road, which runs in a slanting line for 1,500 miles from Calcutta to Peshawar. It was the highway of armies for three hundred years, though now it is short circuited in many places by the railway. Mid-way is Agra, the capital of the North-West Province, whence another road runs south-west to Bombay. An important road also was the Grand Deccan road, striking south from the main road by a circuitous route through central India. When, on May the 10th, the successful mutineers of Meerut galloping into Delhi seized the ancient capital and proclaimed a Moghal Emperor, they cut the Grand Trunk road 900 miles above Calcutta. The British forces were severed, and east of Delhi there were few. In our vast home Province of Bengal there were but three European regiments, two near Calcutta, and one in a danger zone at Dinapur, 400 miles away. From Calcutta to Delhi the Grand Trunk road runs through Benares, the stronghold of Brahmanism; Allahabad, commanding the junction of Ganges and Jumna; Cawnpur; and Agra. Along this stretch of 900 miles there were European communities, and officers commanding scpoys, but the only British troops were 59 artillerymen at Cawnpur and one English regiment at Agra. The native soldiery with our munitions were clustered all along the line, which was soon beleaguered. Our oversea force hastening to Calcutta would have to fight its way up. It was evident to Sir John Lawrence in the Punjab that the troops to recapture Delhi must come down the Grand Trunk

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road from the north. And this being so, it was critical that the road above Delhi was unguarded for 200 miles. It runs from Delhi north through Panipat, the historic battlefield, and Karnal; and then through Ambala, sixty miles above which, at Simla, was General Anson, the Commander-in-Chief, with a scanty force. The road goes on to Ludhiana, once a famous frontier fort, whence it runs through Amritsar to Lahore, and on for many miles to Peshawar. To keep the road from Delhi to Ludhiana was a necessity.

Among the messages flashed across the wires by Lord Canning, one of the earliest was—"You may apply in the Governor-General's name to the Maharajas of Patiala and Jind for troops"; and Sir John Lawrence's telegram, more specific, asked these Princes to send regiments to Thaneswar and Ludhiana. Maharaja Narindar Singh, of Patiala, was the acknowledged head of the Sikhs, and, with the other Phulkian Chiefs, owed us much good-will. Fifty years before, the British had protected these Cis-Sutlej States against Ranjit Singh. There was no time to be lost. The country on the Meerut side of the road was blazing up—the Rohilkhand country which was to give us so much trouble. Ambala showed signs of revolt, and north of Ludhiana there were mutinous sepoys. Maharaja Narindar Singh with a strong Patiala force at once marched to Thaneswar, commanding Ambala, where he stationed 1,300 men with four guns. Other troops he disposed along a hundred miles of the road. Mutineers surged against his lines, but fell back. He guarded our communications to the south, convoyed



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British arms and stores from the north, and despatched elephants and camels to General Anson for transport. In all he put 5,000 men in the field, some of whom fought at Delhi, while later he led others in expeditions to a dozen centres of revolt.

The Maharaja of Jind declared at once for the British, and also helped to hold the road and collect supplies. He marched 800 men to Karnal and Panipat, and afterwards fought in person before Delhi, where his noble presence was a symbol to the Sikhs. The Maharaja of Nabha, for his part, advanced to Ludhiana with his men, escorted a siege train and enlisted new troops. Above this point there was trouble at Jallandar, which the Maharaja of Kapurthala helped us to quell, supplying a contingent to replace the mutineers, and afterwards marching to Oudh at the head of his troops to fight on our side. The Phulkian Princes, besides their ready help in the field, lent us a good deal of money at a time when it was very difficult to raise. Had they at the vital moment been hostile, or even lukewarm, our forces in the north would have been hemmed in. And the fact that the Maharaja of Patiala was head of the Sikhs counted for much, as it helped to discount the reports that by means of greased cartridges and the like the British meant to destroy caste. The Commissioner's despatch said,—“His support at such a crisis was worth a brigade of English troops to us, and served more to tranquillize the people than a hundred official disclaimers”.

What these Princes did for us with their troops, Scindia of Gwalior, to the south of the road, did by means of his

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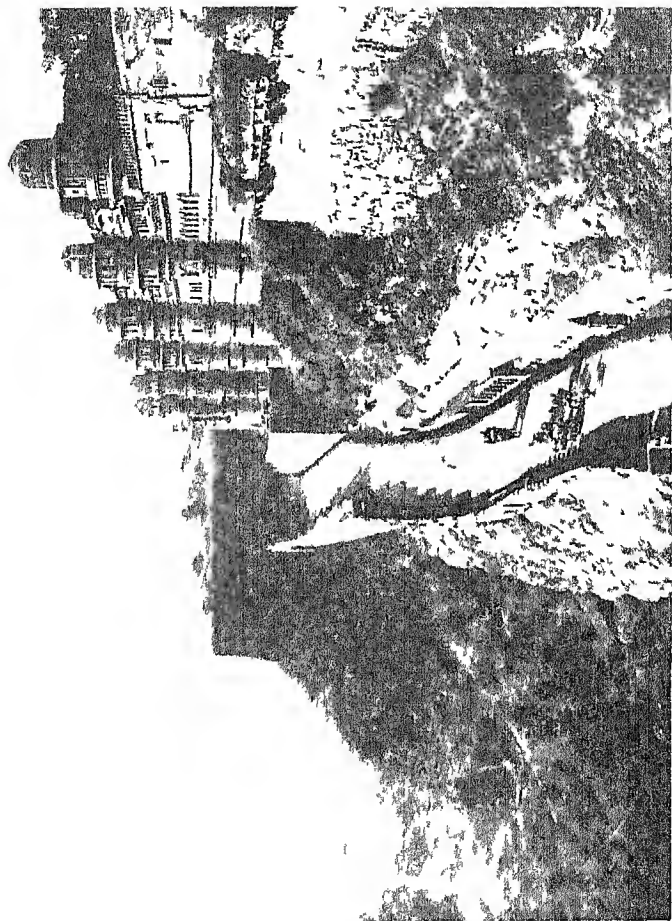
courage and craft. Below Agra is a triangular plateau, of rugged hills and fertile valleys, of which the State of Gwalior is the huge apex. Its fort, on a great rock towering above the capital city in the plain, was called "the key of Hindustan". Its central position had always spelt military and political power in Central India. Through the northern districts ran the road from Agra to Bombay. Scindia, the dynastic title of the Maharaja Jaijaji Rao, ruled the chief of the three surviving Mahratta kingdoms. The race were our enemies when the great settlement was made in 1818, and this State since had passed through stormy times. Lord Ellenborough's military intervention in Gwalior in 1844, when, at the beginning of a minority, disputes in the Court and the army seemed to endanger British interests, is still regarded in the State as high handed action. But though the strength of the army was then reduced, the territorial rights of the infant Prince were respected, and Scindia as he grew to manhood, showed that loyalty towards the British paramountcy was with him an obligation of honour.

The young Prince, at the time of the Mutiny, was twenty-three, a vivid personality, and soldier to his finger tips. He counted the hours lost that he did not spend with his captains and his men. He longed for kingdoms to conquer. In his heart Scindia wished the British had never come to India. In his dreams, like another Sivaji, he flung his dominion over Hindustan. But though he called Fortune a jade, he accepted facts. The rudder of State was held by his Prime Minister, the ambitious Brahman, Dinkar Rao, whose abilities had won him high

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place during Scindia's earlier years. This subtle Minister, who moved through the troubled scene with the serene aspect of a Fra Angelico, had many enemies. Perhaps for that reason he clung to the British connection, while the Prince was frankly loyal to us. Both had a staunch friend in the Resident, Major Charters Macpherson, who had already served Orissa well.

A crisis was precipitated almost at once by the Contingent army provided by the British for the safety of Gwalior, and recruited, by a strange irony, from the men of Oudh, who were at the heart of the mutiny. But Scindia and Dinkar Rao played a crafty game with the mutineers, and paralysed their actions during the critical months. The Maharaja knew the men of Oudh in the Contingent would revolt, but sent a few to Agra at Macpherson's request. A week in the field sufficed to corrupt them. Then as a sign that he stood by the British, Scindia sent his Body-guard of four hundred horse and a Battery to Agra. These were Mahrattas of his own caste and kin, boon companions, dear to his heart. A fortnight afterwards the Contingent troops in Gwalior got out of hand, and murdered some of our officers. But the Prince managed to keep a tight hand over his own army of 10,000 men, who were loyal to him. By the end of June it was learnt that our garrison at Agra was besieged. The Contingent, encouraged by a mission from Nana Saheb, clamoured to Scindia to lead them there. They were in possession of Gwalior Fort, and seemed to dominate the capital. When they threatened, however, he was obdurate; he alternately defied and flattered them. No doubt Jaijaji



Fort Gwalior, "The Key of Hindustan", built in the rock



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Rao took a fierce joy in living dangerously. He gratified them with gifts of money, and coaxed them to wait till after the monsoon, when field operations would be so much easier. To his own troops, who were jealous, he gave three months' pay. During a breathing space he bribed officers and priests in the Contingent, secretly removed the wheels of transport carts, swept the river of boats, and sent all the elephants and camels to the jungle.

At the end of July there burst into the State the mutineers from Mhow and Indore on their way to Agra. Holkar of Indore, another young Mahratta Prince, was also loyal to us, but he had no sapient Prime Minister and no craft of his own. His name was of value to us, and he rendered us good service after the crisis, but he could not hold his troops and we could not hold our Subsidiary force, and so they came thrusting up from the south. To the Gwalior Contingent they were like oil to fire. Scindia's own army now clamoured to join in the war against the infidel. All seemed lost, but at the eleventh hour he divided the forces. He let the rebels go, but contrived to delay his own men. The Contingent, when they discovered they had not been followed by the Prince's army which was to have joined them, returned in wrath at nightfall to attack the city. The Maharaja's troops were with them in spirit, and were ready to rise at any signal. Lest that signal should be given from his side, that night Scindia had every bugle brought into the Palace. At break of day he paraded his army before the rebel camp was stirring, and exhorted the Mahratta officers of each corps not to let

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their sovereign be degraded by the coercion of men not of their race. The appeal was successful, and moving out his troops he cowed the mutineers. They were still fuming and inactive when at the close of September news came of the capture of Delhi by the British, and when at last he had to let them go, a British column which had already routed the rebels from Mhow and Indore was ready for them.

How afterwards Scindia paid the price, and had to flee when his own troops turned against us, and how he was reinstated with our aid, belongs to the story of the splendid campaign of Sir Hugh Rose. But, through the loyalty of its Prince, Gwalior for the first five months remained a wedge piercing the centre of the rebel armies, dividing their wings and preventing concentrated action. The Chiefs of Bundhelkhand hung upon his example. Had Scindia been an enemy, or had he yielded to his dreams of military glory, and marched 20,000 men against us, it would have changed the character of the rebellion, in Macpherson's words, "almost beyond the scope of speculation". Bombay would have been imperilled, Havelock could not have taken Cawnpur, and the turning point in the Mutiny, the fall of Delhi, would have been fatally delayed.

The wedge of the Central India States held in check on the east one of our most bitter enemies, the Rani of Jhansi, who hated us because Lord Dalhousie annexed her State in default of male heirs. This fierce and intrepid young woman, who massacred our people without mercy, who rode into battle garbed as a man, and fought and

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intrigued against us till she was cut down in a last stand, longed to link her forces with the Gwalior Contingent. But she had to wait for five months; while on our side, in Bhopal, to the south, another heroic lady, Sekundur Begum, kept her own troops staunch, coerced her mutinous Contingent, gave sanctuary to British officers, and when the tide turned was liberal with soldiers and supplies. Other of these loyal central States were Dewas, and Jaora, whose Nawab boldly joined the camp of Sir Henry Durand when he took the field. In the north-eastern division of this country not a single Prince of mature age but was loyal. Conspicuous among them was the Maharaja of Rewa, who backed up the efforts of our able officer, Osborne, with all his troops and guns. This had a marked effect on a dangerous region where some of the Sirdars had rebelled. The Grand Deccan road passing through Rewa skirted the central forest lands, to run parallel with the Bombay road in the Narbada valley before it swerved east and south. To keep this line of communication clear, 1,100 of the Prince's soldiers with five guns kept back the rebels at the Katra pass, while another force held the road to Jabalpur.

South of the Punjab, where John Nicholson was enlisting loyal Pathans and Punjabis to fight for us, and west of Gwalior and the other central States was the vast country of Rajputana, the heart of Hindu chivalry. Soon after the fall of Delhi George Lawrence was graded Brigadier-General of all the troops in Rajputana, to wit, fifty English soldiers, and the Subsidiary or Contingent regiments of Sepoys whom we had ingenuously recruited



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from disaffected areas to plant in loyal States. At Ajmer, the British district islanded in Rajputana, General Lawrence saved the key position by quickly substituting a regiment of low-caste hill men for the sepoy, while at the same time the Maharaja of Jodhpur put 2,000 of his troops in the field. This Prince had afterwards to cope with a revolt in his own country. Maharaja Sirdar Singh of Bikaner throughout the struggle co-operated with us on the long northern frontier of his State, leading his troops in many a fight in the Hissar and Sarsa districts. It was to him that the remnants of Tantia Topi's beaten army finally surrendered. The Prince of Alwar fought for us and sustained a reverse; the Maharaja of Jaipur resisted a conspiracy, and kept the rebels out of his State; the Maharaja of Karauli sent troops to Agra, as did others. Each one of the Rajput Princes served us by his loyalty.

So also did the Mahratta Prince, the Gaikwar of Baroda. The adjacent Southern Mahratta country was seething with disaffection, for many landowners had been stripped of their possessions by our Inam Commission, which in their mistaken attempt to graft Western ideas on an Eastern people had been guilty of the gravest injustice. It was therefore of moment that the Gaikwar identified his cause with that of the British Government. Major-General Roberts, commanding the Northern Division, reported that "but for the unswerving attachment and active assistance of the Gaikwar, the position of the Northern Division of our army would have been untenable, in which case our hold over the whole of western

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India would have been most seriously compromised". Others might be named. Maharaja Gulab Singh, before he died, sent troops from Kashmir to Delhi. Lord Canning expressed his thankfulness "that in the centre of the large and compact British Province of Rohilkhand, there remained the solitary little State of Rampur still administered by its own Mohammedan Prince". He mentioned also in Central India the Maharajas of Charkhari and Orchha, along with the Prince of Rewa and others who figure in this story. And no one forgets the help given by the kingdom of Nepal, whose powerful Minister, Sir Jung Bahadur, declared for the British at once, and whose gallant troops distinguished themselves in many fights.

One of the serious revolts affecting the regions round Rajputana was at Neemuch, north of Baroda and just beyond the borders of Udaipur. Here a number of English women and children had taken refuge in the fort, whose garrison was besieged by a force of 5,000 rebels. After a time, our soldiers managed to get the women and children out of the fort one night, and with a slender guard they made their way by stages to a village fifty miles from Udaipur. The ruler of this ancient State, whose dynasty is revered, was staunch in our cause, like all the Rajputs. It was his troops who found the fugitives and escorted them to the capital. The Palace at Udaipur looks upon a lovely lake, in the midst of which there is an island called Jagnawa's. Here rises from the water a white marble pleasure house which Maharana Sarup Singh gave to the women of this party, with their children, as a

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home till the country should be quiet, swearing that any who violated its privacy should die. It was this Prince who when asked by another which side to take, sent him a silver coin on which was stamped Dost-i-London—Friend of London.

### (3) IMPERIAL SERVICE, AND THE DOLE

The Mutiny left fragments only of the sepoy troops, and an English force welded into strength by the hardest campaigning. The Company's soldiers were merged in the Queen's regiments, and the proportion of British to Indian recruits increased, while we kept the artillery in our own hands. The armies of the States had in many cases disappeared. The Subsidiary forces which revolted had been annihilated along with any State troops who followed their example. The Princes began to build up their armies again, since an army is the sign and title of sovereignty, and did so at first under a *régime* that was paternal. As a reward for loyal services some lands were ceded to them, and payments made. All arms being at first declared forfeit to the Queen, the Princes were required to license the arms they issued in their countries. In some States we stationed new Subsidiary or Contingent forces, for it was at first recognized that their provision was a Treaty condition. In the case of Gwalior, where the Contingent system had so manifestly failed, a new Treaty was ratified in 1860 by Lord Canning, extending the limit of the State forces to 5,000 drilled soldiers, 6,000 troopers, and 360 gunners.

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In the same year Lord Canning found that the lands assigned by Hyderabad yielded much more than was needed for the upkeep of the Contingent, and made a Treaty handing back the surplus districts, Dharaseo and the Raichur Doab, but not Berar. It was a Treaty supplemental to that of 1853, making exchanges and adjustments of territory, cancelling an alleged debt with the surplus moneys accumulated, and regulating Customs. The calculation that a debt of fifty lakhs was due to us was chiefly based on interest charges which our officials had continued to set down in respect of the debt of 1853 after it had been extinguished. Colonel Davidson, now Resident at Hyderabad, reported that the Treaty of 1853 had been extorted from the Nizam "by objurgations and threats".<sup>1</sup> So the Government, while negotiating the Treaty of 1860, assured the Nizam that the alienation of Berar was only temporary, and that when the province was restored he would derive all the benefits that might have accrued from British management. In the meantime they introduced British laws there. The Hyderabad Contingent had been found so useful that it was decided to continue it, as well as the Subsidiary force, while the Nizam busied himself by gathering together a new army of his own which he called his "reformed troops". Afzal-ud-Daula died in 1869, and a long minority ensued.

Lord Canning's influence did not long survive. The Viceroyalty of Lord Lawrence, if paternal, was that of

<sup>1</sup> Colonel Davidson's statement was made in a letter to the Foreign Secretary dated from Hyderabad, October the 12th, 1860: "I was present during the negotiations that took place in 1853. . . . I witnessed the objurgations and threats then used in order to induce the late Nizam to acquiesce in the Government's proposals".

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a stern father impelled to restrain or admonish. In earlier years John Lawrence had been an annexationist; and though the events of the Mutiny changed his policy, his outlook was the same. An act of his in 1867 served to mark the dividing line between our trust and suspicion of the States. Scindia of Gwalior, who had proved himself one of our best friends, was well pleased with the concessions in his Treaty of 1860. After the long struggle he had maintained with his troops in the Mutiny, it was a keen satisfaction to him to feel that he was master in his own house at last, and he took a special pride in organizing his little army. Having, as he thought, brought it to perfection, he invited the Political Agent to witness a parade of his drilled soldiers. They displayed an unexpected smartness, and when the affair was reported to the Viceroy, instead of regarding it as a sign of efficiency which might contain the promise of other reforms in the State, he seemed to think it a sinister development. Accordingly, in a letter to the Maharaja in 1867 Lord Lawrence asked him to break up his army, dispersing the several corps about the country, and undertake that no such large assembly of troops should again be mustered. The request, although it infringed the Treaty, was tantamount to a Government decision, and it was a slight which Scindia took deeply to heart. In another Mutiny, if that were feared, his troops would have been useful. Whatever the anxieties of Lord Lawrence, it is difficult to regard this humiliation of the Prince as anything but a consummate blunder. In this year, by one of life's ironies, among the statues of those who helped us

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in the Mutiny set up in London to ornament the new India Office, was one of Jaijaji Rao. The alert, youthful figure looks down on the inner quadrangle where to-day our Civil Servants park their motor cars.

A decade passed, and the fears of mutiny faded, only to give place to the old obsession of a war with Russia. During this protracted war scare the Government looked jealously at the native armies in the States, although the Suez Canal was now open, and the British army had been greatly strengthened. The trust which loyalty evoked in 1857 was gone. The last State cannon factory, in Indore, was suppressed in 1872, on the ground that the accumulation of arms was not needed for internal safety. By the application of a British India Arms Act the Government assumed the power of issuing all licences for arms and munitions, thus making the States dependent on us for supplies. Native police as well as soldiers were armed with obsolete weapons, which rejoiced the dacoits and other brigands. But none the less the total paper strength of the State armies alarmed the officials, who could not realize that it was far better that the warlike elements of the population should be organized, and in some sort disciplined under responsible leaders, than that they should be allowed to drift into predatory courses. After the second Afghan war a commission was appointed to inquire into the perennial question of army reorganization, and the Government also considered whether they could not make a compulsory reduction of the armies of the Princes, although they had no Treaty rights enabling them to do so. The suggestion, thrown

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out and discussed in the English Press, aroused much concern in the States, especially as the now familiar argument was advanced that the Princes contributed nothing towards Imperial defence compared with their population and the advantages which our protection gave them.

In the midst of this agitation occurred the Penjdeh incident, in 1885, which seemed to make war between Russia and Britain imminent. The young Nizam of Hyderabad, who had succeeded to his throne in the previous year, was one of the first to offer the resources of his State to the Crown in case of war, an offer made with enthusiasm by many Princes. The danger was averted; but the loyal offers of the Princes led four years afterwards to the establishment of their Imperial Service troops, organized and trained by our military advisers. The agitation against the States then died down. Just before the inauguration of the new force, on the occasion of Queen Victoria's Jubilee, the Nizam, as if to heap coals of fire on our heads, offered twenty lakhs of rupees a year for three years towards a frontier force, but this was declined.

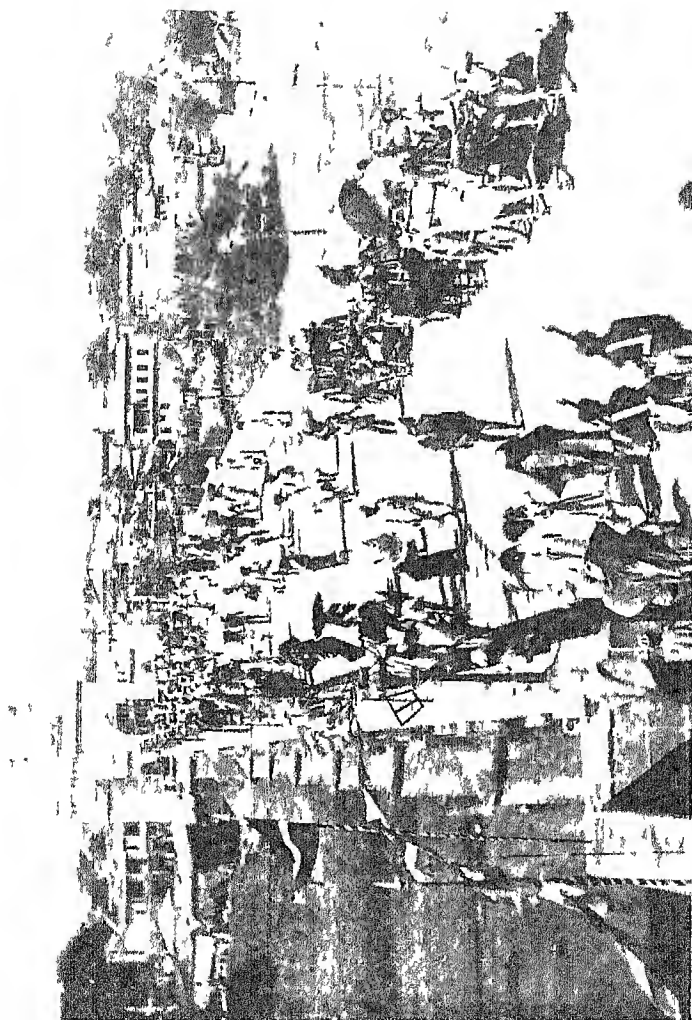
During the Nizam's minority Sir Salar Jung had made more than one attempt to obtain the restoration of Berar by payment of a capital sum. In addition to the national argument, it was pointed out that Sir Richard Temple had reported in 1867 that the surplus districts which had been returned to the Nizam in 1860 were being well administered. But the late Lord Salisbury supported the Government of India in their refusal to restore the province. The retention of Berar was an irritant in all our



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relations with Hyderabad, for although the revenue had been trebled, the Nizam complained that he did not receive the surplus to which he was entitled under his Treaty. The Government of India had not only greatly increased their civil and military establishments in Berar, which were costly, but when the yearly accounts were made up mysterious expenses were often included which resulted in Hyderabad being debited with a deficit. The province had become much more valuable, the growth of cotton in its deep valleys having received an enormous impetus during the American Civil War, and although the restoration of peace in the United States brought down exports with a rush, the country was permanently enriched by the influx of population and the promotion of trade.

The question of Berar was taken up from several angles by Lord Curzon, when he became Viceroy. He felt that a permanent arrangement, if it could be made, would avoid future disputes; that the Hyderabad Contingent could then be merged in the British army, with resultant economy; and that if the Government of India had a freer hand the revenues from the province might be greatly increased. There seems also to have been some shadowy notion that a rearrangement might promote a peaceful spirit in the Central Provinces. Our virtual obligation to make amends to Hyderabad for the spoliation to which the State had been subjected for so many years was never realised by the Viceroy, who thought the Nizam would be sufficiently compensated if in future he was guaranteed a fixed revenue instead of the uncertain



STREET SCENE IN HYDERABAD, THE AZAL GUNJI BRIDGE



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and perplexing amounts he was accustomed to receive. And when the possibility of rendition was mooted, as it was in Hyderabad, Lord Curzon was strengthened in his attitude by an agitation in Berar, whose population, having now lived for three generations under British rule, petitioned against any change.

As to the past history of the question, it had long been brushed aside by the Political Department. The idea that any counterclaim for money by the State should be considered was scouted. Attention was now concentrated on the fact that the State finances had again become disordered, which was partly due to two bad years of famine, and partly to the exactions of corrupt officials. Lord Curzon visited the Nizam in 1902 to propose to him a Treaty whereby he should renounce his claims to Berar for ever, and receive in lieu of its revenues an annual "rent" of twenty-five lakhs of rupees, while the Hyderabad Contingent should be abolished. To justify the term rent, the cession was called a lease in perpetuity, and Berar was to remain technically under the "sovereignty" of the Nizam. The opportunity was also sought to obtain the repayment of a recent famine loan, which was to be made a first charge on the rent. The Nizam and his nobles were all opposed to this Treaty, and desired the restoration of the province, for which they were prepared to pay.

Of the conversations which took place between Lord Curzon and the Nizam two summaries are contributed by them to the Blue-book. The contrast is amusing, the Nizam's account being short and blunt, and to the point,

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while the Viceroy's summary flows on in column after column of argumentative eloquence. But they both concur in this, despite differences of form, that in the end, when the Nizam asked whether any future Government in England would restore his province, the Viceroy declared there was no chance of it. And after that dour assurance, the Nizam signed the so-called lease. The Contingent was merged in the British army two years afterwards. Once a year, on the Nizam's birthday, a battery of British gunners is sent down from Kamptee to Amraoti, the capital of Berar, to fire a salute, which is one sign of the Nizam's sovereignty. The only other is that although in Berar our law runs, Acts of Government and the Criminal Procedure Code are applied there by a separate notification. The British Indian income tax, and land and liquor taxes, which have been imposed, have quadrupled the revenues. The present Nizam questions the validity of pledging posterity, and asks for a Commission to inquire into the whole case, and for an account to be rendered of the pecuniary dealings between the two Governments. This was refused by Lord Reading in 1926.

The Indian States were regarded by Lord Curzon as "pillars of the Imperial edifice", and he engaged the interest of the Princes to their profit in matters of education and general welfare, giving them much practical help. But he thought of paramountcy as complete sovereignty, and he was the embodiment of all that the Political Department stood for. To rulers he spoke, not of their rights, but always of their obligations, avoiding

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all mention of the Treaties which lie near their hearts. Not to put too fine a point on it, he wished to keep the Princes in leading strings, and in his manner he evinced a shade of patronage or domineering which sometimes marred the wisdom of his counsels. This attitude was exhibited when he took up the cause of Imperial Service, and his treatment of the Maharaja of Rewa is a case in point. Rewa has a very special Treaty, made in 1812, by which a condition of limited protection was established. The Maharaja was acknowledged as the sovereign of his own dominions. The British undertook not to listen to complaints against him, while he forswore any claim to the aid of British troops within his dominions. The acceptance, later, of the paramountcy of the Crown laid an implicit obligation on us to protect the ruler against rebellion, although it still rested with him to maintain internal order. It was a paradoxical position, but since it existed there was a special reason for a native army. When, in 1889, the late Maharaja did not join in the Imperial Service scheme, the Political Department marked their displeasure by deciding to limit the size of his army, although it was a very small one. This was the less excusable since the Government at first decided to accept regiments only from the more prominent of the States who had volunteered their aid.

The Political Agent in Baghelkhand three years later informed the State that the Government of India deprecated any improvement whatever in the strength or efficiency of his army, "especially as it is understood that His Highness the Maharaja only maintains regular troops

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for the purpose of preserving internal order, and that his troops are not, even in part, available for Imperial defence". When the Maharaja wished to make his artillery more efficient by replacing the bullock teams by horses, his request was at first peremptorily refused. Permission was subsequently granted on condition that the horses would be placed at the disposal of the Government of India on mobilization.

In April 1903 Lord Curzon paid a visit to the Prince, and advised him to adopt Imperial Service. It should be said that Rewa later on adopted the revised scheme of Indian State forces. But at that time the Maharaja submitted to the Viceroy what he regarded as pertinent reasons for delay. He considered that Rewa made a sufficient contribution to the Imperial revenues in various duties and payments, and that it might always be relied on to fulfil its duty in time of war. Rewa State was largely hills and jungle, some of it irreclaimable, or inaccessible then to traffic, and the cost of administration was greater than that of States more favourably situated. The Maharaja argued that in any case the States formed a net-work of defence throughout India, and urged that he should be allowed to increase the efficiency of his own troops, so that when better equipped they might be of more substantial use to the Government in time of need. Lord Curzon left without being much impressed, and with the intention of settling the affair from Simla.

To prepare the ground for the Viceregal letter which was to be despatched, the Political Agent in Baghelkhand, a few days after the visit, sent the Maharaja a letter

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which, if school themes were substituted for affairs of State, might have been addressed to a naughty school-boy:—

“As we drove away from Rewa, His Excellency the Viceroy said that when the Viceroy personally talks to a Chief as he did to you, and gives him serious advice, it is neither right nor wise for the Chief to disregard such advice. You will never be *ordered*, or even officially requested to give Imperial Service Troops, but I can assure Your Highness that to offer such troops will now be in your own best interests.

“If Imperial Service Troops are offered and successfully maintained, Your Highness can see, from the case of other Chiefs, what benefits can be expected. Military rank, visits to the Court in England, the personal friendship of the King and Royal Family, and appointments on His Majesty’s personal staff. These distinctions have come to other Chiefs through having given Imperial Service Troops. On the other hand, if Your Highness cannot see the way to offering any such Troops, it is I fear certain that your protestations of loyalty and anxiety to help the Government of India in times of war, will lose a great deal of their value, and will perhaps not be as gratefully acknowledged in the future as they have been in the past.”

The last sentence, presumably, referred to Rewa’s services in the Mutiny. Lord Curzon, naturally, did not write in these terms, but in a long and interesting discourse addressed himself to the advantages of Imperial Service. It is interesting to note, in passing, that he looked forward to a time when Imperial Service troops should become a confederation of the armed forces of



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India, ready at all times for Imperial defence "much in the same manner as the forces of the combined German Princes who constitute the German Empire are ever held efficient and ready by those Princes, and at the disposal of the German Emperor". Towards the end of his letter, the Viceroy commended the matter in the following appropriate passage:—

"These are the suggestions which I submit confidentially for your Highness's consideration. I beg that you will think them over carefully, and discuss them in confidence both with your own advisers and with the Political Officer attached to your State. Even more urgently do I request that you will repay the confidence which I have reposed in you by this communication by equal candour in reply. I would sooner receive an unfavourable response than one which did not represent the real feelings of the writer, or in which they were so disguised as to convey an erroneous impression. In the present matter, as in all my previous relations with the Indian Chiefs, I desire to treat them as my allies and coadjutors in the task of Imperial Administration, and to carry with me their unfettered consent."

This was gratifying to the Maharaja's feelings, which had been ruffled by the rude letter of the Political Agent. Since the Viceroy wrote to him as one ruler to another, he gathered together his arguments, and repeated them in a careful reply. He did not want to join the movement as yet, and urged that if the efficiency of his own troops were increased, in time of war only a short training in British Cantonments would be needed to fit them for service at the front. In fancy, the Maharaja when he sent

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this letter was already getting horses instead of bullocks for his artillery, and even replacing his antiquated and expensive elephant teams. How could the Viceroy refuse, who had urged him to speak out of his heart? "I have commenced and ended my letter", he wrote, "in the frank and candid spirit in which we were so earnestly invited to respond".

But the Viceroy, despite his protestations, did not want the candour which implied a denial of his request. It was not an improvement, but a reduction in Rewa's army that was desired by the Political Department if there were to be no acceptance of Imperial Service. Lord Curzon never answered the letter, but directed the Political Agent to convey to the Maharaja the news that the Viceroy was "considerably displeased" with him for not taking the advice given by His Excellency in person. This was followed by a letter from the Agent in which there was a covert threat:—

"My only desire is to indicate clearly how matters stand at present, and to do what I can to prevent any disappointment in future. In the past, Your Highness has always been forward to offer the services of your troops, whenever any opportunity presented itself. In view of the events which are now in progress in the Far East, there is no saying how soon the time may not come when Chiefs who desire to do something for the Empire will be able to make offers that Government will be in a position to accept. In the circumstances I feel it my duty to warn you plainly that the present condition of Your Highness's troops is such that there

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is no advantage in your offering to place them at the disposal of Government."

On the one hand, Rewa was denied the means of keeping its little army efficient, as was its implied duty under the Treaty; and on the other, it was warned that any offer of help in time of war would be refused because of the army's inefficiency. The Agent in another letter gibed at the Maharaja's "expressions of lip-loyalty", and in the following year the unusual step was taken of ordering a special report on the administration of the State, which was again told that its army was far in excess of what was necessary. This duress to secure a contribution to the Imperial Service forces was, fortunately, not the general experience of the States; but in most cases the Political Department used the new movement as a lever to discourage or reduce the State armies, and the spirit of distrust was also shown in the refusal of up-to-date artillery for the Imperial Service troops.

From this time forth the supply of arms and munitions to the States for their own forces became a dole, rigidly circumscribed. Not only were the Princes refused a sufficient number of guns or pistols, but all those supplied were of an antiquated pattern. Having regard to the splendid response of the States to the Empire's call in the Great War, and to the fact that troops of the Princes had to hold the fort while Imperial Service forces went to the front, it was a deplorable chapter in administration which was written during the decade before the war. The outbreak of crime and agitation which had followed in the wake of the Russo-Japanese war was directed from





A GLIMPSE OF NAWANGAN STATE FROM ITS ANCIENT CAPITAL

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Bengal and Poona, and had a crisis developed the States would again have been our bulwark. But we applied to them no less than to British India severe restrictions on the supply and use of weapons which made it difficult for them to maintain peace and order in their territories. In particular, the State police forces suffered. The theory which long prevailed was that efficient arms should be supplied for one policeman to every 3,000 of the population. In practice the States were left with the old muskets, while the police in British India were given more modern weapons. In this case practice was not even governed by the fetish of uniformity.

The doles to Nawanagar afford a striking illustration. This is the largest State in Kathiawar, in area 3,800 square miles, and behind the seaboard there are mountainous tracts which are infested by wild tribes who at times loot and terrorize their neighbourhood. There are about a thousand constables in Nawanagar, reinforced by village police. Owing to the rigid rules of the Department, in 1910 many of their guns were a hundred years old, worn out and rotten; some were muzzle loaders purchased as old in 1892 from the Agency police; and there were a couple of hundred old fusils lent by the Government in 1900. The latter represented the best that could be got from official sources since 1873. The force was at a serious disadvantage in dealing with the outlaws, and a strong plea was made to the Government of Bombay in 1910 that they should be re-armed with Martini-Henri rifles.

A prolonged correspondence ensued, carried on with

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customary zest by the Political Agent. The Diwan had stated which were the warlike or criminal tribes whom the police had to curb, but the Agent wanted to know what particular districts they inhabited, what were the particular duties of the police, and whether the fire-arms were "really" required. In 1911 the Agent thought it would be a good opportunity to reduce the number of police carrying arms, and asked for revised estimates. To make the best of it the State cut down its request by nearly two hundred rifles, but the Agent then insisted that a surplus of old guns must be returned. By 1912 he had agreed on the retention of some old fusils, but the quibbling was still in progress on the outbreak of the Great War, when Nawanagar sent its trained troops to the front. Then, of course, there was an unusual strain on the arsenals, and on the stock of weapons available; but the police of British India were armed with good weapons, while those in the States were not. The police in Nawanagar found their task increasingly difficult, and in the winter of 1916-17 they were hard put to it in the northern districts to hold their own against some tribes that relapsed into outlawry. In an affray in which a dozen police who were attacked had to fire a volley in self defence, one outlaw was shot. But nine of the constables were injured by the bursting of the old muskets, two of them died, two had limbs amputated, and five through head wounds were incapacitated from further service.

The Jam Saheb then took up the matter with the Government, and in 1917 succeeded in getting seventy-nine carbines for the mounted police. When the war was

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over nothing further was done, and finally Prince Ranjitsinghji sent the following letter to the Agent in 1922.—

FROM HIS HIGHNESS JAM SHRI RANJITSINGHJI, MAHARAJA JAM SAHEB OF NAWANAGAR, TO THE AGENT TO THE GOVERNOR, KATHIAWAR. JAMNAGAR, 10TH APRIL, 1922.

“SIR,—I have the honour to forward indents for arms, submitted by my Superintendent of Police, and to request that Government may again be moved to supply the following arms, which represent the minimum requirement of the Police Department at present.

2. The Superintendent of Police has asked for 500 Martini-Henri S.B. muskets B.L. .476 bore (long barrel) with bayonets for foot police.

3. The second column for the first indent, detailing periods of the previous supply and inferentially the present condition of that supply will speak for itself. I will, however, recapitulate that statement below:—  
300 M.L. Guns were received long before 1873. 250 M.L. Guns were received in the month of August 1873. 300 M.L. Guns were received from the Kathiawar Agency Police in 1893. 200 M.L. Guns were received from the Government of Bombay in 1899. 79 B.L. Carbines for Mounted Police were received in 1917.

4. The whole stock of arms, with the exception of 79 recently received carbines, is practically useless and its value as a weapon of defence is nil. The ordinary life of a muzzle loading gun is reputed to be 12 years, but the pieces in use in the Nawanagar Police have out-lived their allotted span by scores of years.

5. The Superintendent of Police has often reported



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incidents in which guns burst in the hands of the men while firing. Not only is the handling of such arms fraught with danger to the users, but it has the still worse effect of lowering the morale of men and rendering them thoroughly inefficient in keeping internal order, in meeting outlawry, in ensuring peace and safety and in fulfilling the responsible duties of guarding the jails, the palaces and the treasuries.

6. Efforts have often been made to secure a fresh supply of arms; indents were sent in 1910 to Government, but beyond references, explanations and re-references nothing materialized; a second effort was made in 1913, without any result; a third effort was made in 1917 which brought us only 79 carbines, and the larger part of the indent remained unfulfilled, because the Government of India insisted on the return of more arms than were promised in the fresh supply. The Nawanagar State could not do so as it would result in diminishing the number of armed men beyond the line of safety. The supply was then withheld.

7. The present indent does not aim at arming every policeman; it represents only 45 per cent. of the regular foot police strength. Lawlessness is on the increase and outlawry persists in parts of Kathiawar since 1912. Even now the gang once headed by Ebhal is a terror to the people of Kathiawar. Ebhal is killed, but the gang remains and is looting big villages in the Province, is getting fresh recruits and assistance from the Mianas of Malia, and possesses arms of a superior quality. It is really difficult to protect outlying parts of the State from the depredations of this gang, and although Nawanagar has succeeded in keeping the danger away, the condition of their arms is a matter

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of deep anxiety to the police officers, and it is high time that Government considered the question of supply of arms to my police without further delay. I request your good offices in this behalf and feel sure that with your strong recommendation the overdue supply of fresh arms will receive urgent attention from Government.

I remain,  
Your sincere friend,  
(Signed) "RANJITSINGHI."

Then at last the Government were moved, and in July 1922 issued a Memorandum from the Political Department, of which the following was the chief clause:—

"The Government of India have carefully reviewed the existing policy, under which the arms in possession of State police are normally limited to an approximate ratio of 1 to every 3,000 of the population. These arms themselves are not infrequently in a deplorable condition, and less effective than those in the hands of the criminals with whom the police are intended to cope, while in a number of cases the standard ratio has been found inadequate. The Government therefore agree in principle that the time has come for the adoption of a more liberal policy. It is accordingly proposed that in future, when a Durbar asks for the re-armament of its police, a fixed complement should be laid down on the merits of each particular case and not necessarily on the basis of population."

The Memorandum at the same time proposed that "if the Durbars so desire", the British Military Advisers to the State forces should see to the arming of the police, although this is essentially a function of State. Thus,

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having first applied the British India Arms Act, and taken from States the right of licensing arms; and having next, over a long period, refused them arms adequate to preserve order; the Political Department seek, as a condition of supplying arms, to obtain control of the police forces by means of the machinery for training Imperial troops.

And this is how the officials of the Political Department carry out the "more liberal policy" which has been adopted. In February 1926, some four years after the issue of the Memorandum, the Foreign Minister of Patiala applies to the Punjab Government for a licence for twenty-five automatic pistols required for police officers. The Secretary to the Agent to the Governor-General asks for detailed information of all arms in possession of the Patiala police, information which is in his own office. He is informed in June. Another letter in July is necessary before the Secretary replies, in September, that he has now looked up the Armament return made by the State in the previous year, and finds the police have got forty-eight revolvers. Why do they want twenty-five more? The Foreign Minister replies that the total number of pistols required for the police officers is seventy-three, and as they only have forty-eight they want twenty-five more.

The winter passes. The Secretary then writes that he would like to know "the designation of the officers of the police who are proposed to be armed with revolvers". He is informed that they are of or above the rank of Sub-Inspectors. The Secretary looks up his return again; the numbers do not tally, and he "smells a rat". "I am to

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inquire", he writes in July 1927, "whether the deficiency arose from an increase in the number of officers, or from pistols becoming unserviceable or being lost, and to request that full details be supplied". In October he wants to know the number of police officers of each rank from Sub-Inspector upwards. The particulars then sent show that there has been a small increase in the number of police officers. This is evidently a serious matter. Can it really be that twenty-five more police officers are needed, with twenty-five more pistols? The correspondence continues.

Shade of Narindar Singh! They have forgotten the British arms and stores you convoyed on the Grand Trunk road. Yet it might be remembered that, along with others, troops from Patiala fought in the Great War.

## CHAPTER VII

### THE BED OF PROCRUSTES

It may well be asked, having reached this point, not only what are the springs of action in the bureaucracy, but what is the plan to which it is desired the States should conform, in default of Treaty provisions. Short of constitutional changes which would violently shock opinion, the desire of the Political Department during the last sixty years, manifested in a thousand ways, is to promote in the States as much uniformity with administration in British India as possible. And their plan was formulated when the State of Mysore was re-created in 1881. Doubtless at a later date the prescribed conditions would have been more onerous, as the political machine afterwards gained momentum, but they are onerous enough. Mysore had been under our administration as part of British India for fifty years when it was desired to re-constitute it as an Indian State. From time to time the Government for special reasons have pursued the wise policy of creating or re-creating a State, the latest instance being that of Benares, under Lord Minto's *régime*. Mysore throughout the eighteenth century was a grave danger to our settlers in the south. The fierce Muslims, Haidar Ali, who won a kingdom, and his son, Tipu, who lost it, were our inveterate enemies, and

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Tipu supported the French in their challenge to our dominion.

When the end of the long conflict came, Lord Wellesley's victory at Seringapatam was so complete that the country was divided up. Over that portion still called Mysore we set up as ruler a boy of the Hindu dynasty which had been dispossessed. The experiment was not a success, for the child when grown to man's estate was tyrannical. The revolt of his subjects had to be suppressed by British arms, an unfortunate necessity, but our support and our warnings were useless, for the Maharaja could not rule the State. It was felt that there was no other course than to take over the country, which was done by Lord William Bentinck in 1831, and it was governed by our Residents or Commissioners, and British laws and regulations introduced, with considerable advantage. The deposed Maharaja, who had been pensioned, for many years carried on an agitation for the restoration of the State. In the end the adopted son of his old age was recognized by the Imperial Government, and installed as Maharaja in 1881 by Lord Ripon, despite opposition from the Civil Service and the coffee planters.

To re-create a State is an act of grace, and the Paramount Power had the authority to dictate the terms on which the State should function and have its being. And in the rendition of Mysore the Political Department had the opportunity to express in terms of an "instrument of transfer" just what they wished the relations of the States might be towards them throughout India. Already since the Mutiny they had laid hands on native industries, as

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when they established the salt monopoly; they had introduced British jurisdiction in Cantonments and Residencies for others besides our staff and troops; they had acquired control of arms and munitions; and in the minor States, by Fealty Bonds and other devices, had assumed the powers of life and death, and imposed an appellate jurisdiction. But a host of other problems were arising with the development of the railways, the post, and the telegraphs, and in 1881 our jealousy of the State armies was smouldering.

In the Mysore Treaty the policy which was aimed at under all these heads was crystallized. The young Maharaja and his people could take it or leave it; they were, at any rate, getting something for nothing. The older States had contracted for better conditions, and obtained them, because they had much to give—support of the British dominion at a crucial period, ancient rights to treat or fight with the world beyond their borders, lands which they ceded to us to pay for our Subsidiary forces. Mysore had none of these things to give or surrender because Mysore as a State had not existed for fifty years. So it was ordained, in the first place, that the Maharaja should retain his kingdom only so long as he fulfilled all the conditions laid down. Next, the Governor-General was to be the authority on all questions of succession to the throne. And the State was to “remain faithful in allegiance and subordination”, and perform “all the duties which may be demanded of them” in virtue of such allegiance and subordination.

The Government undertook to protect and defend the

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State, and the Maharaja to pay an annual revenue in return for being relieved of all military obligations. The Governor-General was to fix the strength of the military force required for internal order, or for the Prince's personal dignity, and to direct its enlistment, organization and equipment. Fortresses were not to be built, a common stipulation; and arms, munitions or military stores were not to be manufactured or imported without permission. In Bangalore, the capital, a civil and military station thirteen square miles in extent was taken as an "assigned tract", that is, a British colony. Over the lands granted for Cantonments the State was to renounce "all jurisdiction", over railway lands "plenary jurisdiction" was taken by us, and the telegraph was to be part of the British system.

The British laws and regulations which had been put in force during our administration were to be continued. Plenary criminal jurisdiction over European British subjects was vested in the Governor-General in Council, a claim first asserted by the Government in 1863. Any persons in the State accused of offences in British India were to be surrendered on demand, and their trial assisted. The Maharaja was forbidden to employ in his service any person not a native of India; and was to use the coins of British India as the legal tender. In trade matters, the Governor-General took powers to prohibit or limit the manufacture of salt and opium, and the cultivation of poppy, and to give effect to any regulations he pleased as to their export and import. Finally, and lest any loophole for initiative had been left to the State, the



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Maharaja was comprehensively bidden "at all times to conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any other objects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations to the British Government".

This comprehensive clause is practically founded on the Fealty Bonds of 1866, and is almost the same in wording as that which was imposed by Sanad in 1894 on the independent Mahals of Orissa, and at a later date by Lord Curzon's Sanads on many minor States. Mysore, theoretically, is a major State, so this clause applied to it legally the rigorous conditions which are applied administratively to minor States, conditions which promote uniformity with British India. When the terms of the proffered Treaty were realized the leaders of native opinion in Mysore were ashamed of the transaction, and the mass of the people were uneasy. Rejoicings had to be organized when the late Maharaja in these delicate circumstances stepped on to the throne. The State was swathed in bandages, an invalid; and it may be said still to be convalescent, as it cannot adopt a Minister, or a policy, without the Government's permission<sup>1</sup>.

The whole course of administration by the Political

<sup>1</sup> In justice to Mysore, it should be said that it has carried on the British tradition bequeathed to it in an enlightened spirit.

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Department since 1881—a period during which our statesmen at home suppose that relations with the States have been conducted normally—has resolved itself into an effort to stretch the other States upon the bed of Procrustes provided by the Mysore Treaty. This was recognized by the Montagu-Chelmsford Report in 1918, in a forgotten passage which stated that “the Government’s practice had been based on the theory that Treaties must be read as a whole”. Two official exponents of the policy of the Government of India have been more explicit. Sir William Lee-Warner put it on record that in the Mysore Treaty the attempt was made to embody all the obligations of the States in a single document; while the late Sir John Strachey stated that the Government regulated their proceedings towards the States in accord with the principles of this Treaty “when necessity or fitting opportunities occur”. The Department have frequently imposed these principles or provisions on other States, and every such act under their doctrine of usage becomes with them a precedent for altering the Treaties.

It is pertinent to recall that by a number of these covert acts plenary jurisdiction over the railways was established, and one of the ironies of its introduction is that the Princes, who have taken a stern line against the spread of sedition by agitators from British India, are sometimes debarred from loyal action. The situation was summed up in 1918, during the non co-operation movement, by the late Maharaja of Bhavnagar:—

“With the control of the police of my railway taken

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away from me, any agitation-walla or mischief monger from Ahmadabad, or any other part of the country, can make use of my own railway to travel and come up to Bhavnagar station, and knock at the very gate of my capital city. He can instigate my employees to go on strike, to hamper the working of the railway, to misuse the railway wires, and generally to defy my authority—and this with perfect impunity and without my being able so much as to point a finger at him, or prevent him from riding over the railway with the avowed object of instigating my staff and dislocating the working of the railway. When I say this it is no mere hypothetical proposition that I am laying down, I am speaking from actual experience.”

The British jurisdiction has been extended in the States to every native servant, however humble, employed even temporarily in Residency, Cantonment, railway building, or the innumerable postal and telegraph offices set up within the railway lands. These areas or buildings are now like little citadels, whose rulers can protect the subjects of the State, and are impatient of any challenge. From time to time of course, the practice is challenged. A case which occurred in Rewa in 1905 is interesting because it was followed by a conference of Political Agents on the subject. A man temporarily engaged as a punkha puller was convicted for an offence by the State Court. The Political Agent at once sent this telegram, marked urgent, to the Durbar:—

“Local Court has tried and convicted one Mathura of offence under Section 497 I.P.C. This man is servant of Agency Surgeon, and son of Agency servant. Rewa

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Courts of Durbar have no jurisdiction over servants of Agency Surgeon, or mine. I must request trial and sentence to be quashed at once and man released. If Durbar so desires complaint can be tried in my Court."

There were inquiries and protests from the Durbar; but the Agents at a meeting at Indore declared that in all such cases the Durbar should not proceed to trial without the Agent's sanction, and that the Political Officer could claim jurisdiction whenever he thought it desirable. It was, however, conceded that if the culprit had committed an offence in his private capacity no exception need be taken to a Durbar trial "provided that the case is fairly tried, and that the sentence, where guilt is proved, is reasonable". So even if a *chaprassi* in the service of an official commits "in his private capacity" an offence, Political officers exercise appellate jurisdiction if they choose. In some States the attempt is made to extend our jurisdiction over the Indian servants of any European. But the only class of persons who should be exempt from the State laws under our agreements are those who are definitely members of the official staffs.

The Mysore Treaty declared that the Government's telegraph system should be worked, and that all the British Indian rules should be applied. In the case of States with independent Treaties, however, a new agreement ought to be made whenever there is a new development in the world's history, whether due to steam, electricity, or the Diesel engine. This was, indeed, realized when the first development took place with the advent of the railways, and new agreements were made,

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or imposed, although they were extended irregularly afterwards. But there are no new Treaties or agreements for the telegraph, the telephone, wireless or aviation. The will of the Department has settled, or is settling all that is desired by British India without the consent of the States; and when any condition is prescribed by the Department this becomes usage by which the Treaties are to be interpreted. Until recently the Government retained in their own hands the complete control of every telegraph line, and even objected to the installation of a telephone system without sanction. They will not now connect State lines with the British system, or apply reciprocity in interchange traffic. When States ask for the opening of a telegraph office, for convenience or trade, the Government require a guarantee of the estimated expenses. When there is a profit the Government take it; if there is a loss the States are required to pay it without seeing the accounts.

In regard to the posts, five of the States have conventions with the Imperial Post Office, but the conventions are often broken through the opening of competitive mail Agencies and Post Offices by the Government. Ten other States which have postal systems of their own are hampered by restrictions and crippled in their initiative. The dominant motive with the officials is to acquire monopoly rather than to secure strategic communications. A serious grievance with all the States is the enforcement of the mail robbery rules. The robbery of mails all over the world is now a specialized branch of criminal activity. Not a month passes but

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there is news in some quarter of a sensational mail robbery. Diamonds, bullion, notes, bags of registered packages are stolen which are worth many thousands of pounds. The police of all countries are in communication to check and track these robberies. One of the biggest hauls made by robbers recently was a theft of mail bags consigned to the Canadian Air Mail at Montreal, for delivery *via* New York and Liverpool in London. If the cities of Montreal, New York, Liverpool or London were mulcted by some Paramount Power to make good the loss there would be an outcry. But if such a robbery takes place in transit through an Indian State that State must make good the whole loss, and pay compensation if anyone is injured. If the robbers are traced to another State, the two States must share the liability, this being known as the Track Law. The States, it is true, are allowed to plead that their police arrangements are efficient, or that they have displayed energy in attempting to bring the robbers to justice, but such pleas are seldom taken into account. The theory of the Political Department is that the States, in return for the benefit of postal and telegraph services, have surrendered rights and incurred obligations of which the Department is the judge. No account is taken of the fact that the States gave the lands free on which the postal, and telegraphic and railway services are worked, lands which would be estimated in any other country at great value.

There is an interesting historic point in the inclusion in the Mysore Treaty of the clause forbidding the employ of any person not a native of India. This is an old clause

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which figures in four of the Treaties made by Lord Wellesley at a time when it was the French policy to strike at England through her Eastern possessions. A ban on Americans was of equal importance to us during the long years of the war with America. The provision against the employment of foreigners by an allied State is also contained in obsolete Treaties of Clive and Warren Hastings. Between the years 1799 and 1847 there were 73 Treaties with the States, and in only seven of them was this clause inserted; but the custom had long grown up of enforcing this ban in all the States, and in 1881 the Department sought to get some later sanction for the practice. Whether it is expedient or not may be a matter of argument, though it is *bizarre* that to-day a Prince may not employ a Frenchman because we once fought Napoleon, or an American because George Washington organized the American forces against us. Since those days France and England have been allies, and we have set up a statue to George Washington in London. The ban has been extended by the Government in recent years to all Europeans, Americans, and Australians.

It is significant that salt and opium are linked as the chief products which the Government desired to handle as they pleased. The establishment of the salt monopoly has been described. The revenues of British India were also enriched by the opium restrictions. It is idle now to revert to the policies enforced on the States before 1907, when by a Convention we began to reduce the export of opium to China. Up to that time various regulations had penalized the opium grown in the States and favoured

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that of British India, and when the change was made the States were refused any compensation although the blow to their industry naturally caused great distress. Since 1907 the Government have excluded the States from the non-China market for opium, while allowing them a restricted cultivation of the poppy for their own use. The Bengal monopoly opium produced in British India is, however, of an inferior quality to that of Malwa, the trade declined, and the outside world would not pay the high prices charged.

As a result the Government find themselves overstocked with opium, and have to consider the reduction of their cultivation area. In order to minimize the loss they are now endeavouring to persuade the States to abandon all opium cultivation; to obtain the commodity from the British India factory at inflated prices; and to reimburse themselves by raising the price to their subjects of Excise opium. The Government would thus deny to the opium producing States the internal markets they have hitherto enjoyed, together with what remains of the non-China market, and the freedom to manufacture morphine. In short, they desire to make their monopoly complete, in order to supply the whole of India and so much of the non-China market as will still buy Indian opium. It will be seen that in this controversy no moral issue is raised. Whether it be right or wrong to produce, sell or consume opium, the trade with non-China markets is fostered by British India, and as long as that is the case the States have a just claim to equal treatment.



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In addition to the all-India policy on salt and opium that was enunciated at Mysore, the taxation of trade has been abused in other directions. The Government of India admit that they are not entitled to tax the people of the States, but none the less by their Sea Customs Act and the tariffs imposed at British Indian ports they tax the 72 millions of State subjects in exactly the same way as they tax the people of British India. Treaties were actually entered into with the maritime States, like Cochin, Travancore, Baroda and Bhavnagar, allowing them to levy and collect their own Sea Customs duties at their ports provided the Customs tariff adopted was not lower than that prevailing at British Indian ports. But these Treaties have been scrapped in the interests of Imperial finance and the protection of British Indian trade. The State of Nawanagar had begun to realize an appreciable amount of revenue from Sea Customs levied at their promising port of Bedi, owing to the efforts of Prince Ranjitsinghji, but the opposition of the Bombay traders and Imperial financiers was too strong, and the rights of the State secured by Treaties were abrogated. The British India tariffs since 1919 have been framed purely in the interests of the Government's fiscal policy, and have reduced the purchasing power of the States. The Indian Legislature, at the instance of the non-official members, imposed a tariff on imported steel, and the rise in price is paid by the consumers in the States as well as others, although they get no advantage from the revenue. Our policy in Britain is that taxation and representation must go hand in hand. In this case no representation is

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possible, as the States and British India are distinct, and the injustice of the steel tariff is the more flagrant.

In regard to Excise, even the Provincial Governments are enabled to exploit the States. In Baghat, one of the Simla Hill States, during a minority *régime* two breweries and a distillery were established, from which the Government of the Punjab collected all the beer and spirit duties and the annual licence fee, and appropriated the money. In this way £337,000 was diverted from the Baghat revenues between 1911 and 1923. The excuse made was that the liquor was intended mainly for consumption in a neighbouring Cantonment, or across the border. Provincial Governments have also insisted that to prevent the smuggling of liquor near the borders there should be a shop-less zone for three miles within the States. This is done in the interests of the adjacent British districts, and results, of course, in a loss of revenue to the States. While in these ways the States are constant losers, their indirect annual contribution to the British Indian exchequer from Customs and Excise, salt, currency and railways, is over £7,000,000.

Acts of interference in administration by the Political Department or their Agents are too numerous to catalogue. They vary in importance from banning the development of branch railways in Nawanagar, or of tramways in Indore, to "scrounging" a hundred feet on each side of the roads in the Simla Hill States, or cavilling at the supply of sporting rifles to the Maharaja of Jodhpur. Interference is sometimes inspired by a dictatorial spirit, sometimes by zeal for uniformity with British Indian

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administration. In the old days the best men in our service were sometimes appointed as Residents or Agents. An Officer who sets himself to win the confidence of the Prince, and only acts indirectly by using his influence, while conserving the rights and interests of the State, is valued by the Ruler as a wise and sympathetic friend. To succeed in this calling requires many gifts—patience, toleration, skill in diplomacy, sympathy and understanding. Few men so qualified are available because these posts are now looked at askance in the Service, as leading nowhere. They are taken as consolation prizes by men of an inferior stamp; and even in the old days chance often played us false, as Sir Thomas Munro is witness. “In our Treaties with the Indian Princes”, he wrote, “we recognize them as independent sovereigns. Then we send a Resident to their Courts. Instead of acting in the character of ambassador he assumes the functions of a dictator, interferes in all their private concerns, countenances refractory subjects against them, and makes the most ostentatious exhibition of this exercise of authority”. Half a century passes, and King Edward, when Prince of Wales, writes:—“What struck me most forcibly was the rude and rough manner with which the English Political Officers (as they are called who are in attendance on native Chiefs) treat them. It is indeed much to be deplored, and the system is, I am sure, quite wrong”.

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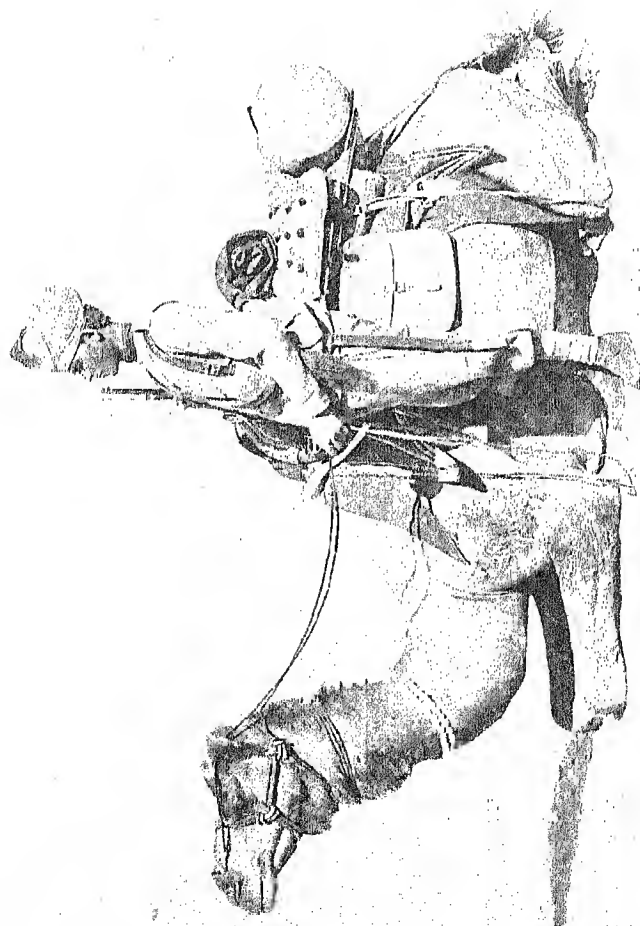
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A TROOPER IN THE FAMOUS BIKANER CAMEL CORPS, WHICH HAS FOUGHT IN  
MANY WARS

## CHAPTER VIII

### BIKANER AND UDAIPUR

By the conflicting practices of Agents and Residents who magnified their office many Princes were bewildered, but until they were able to confer together in a Chamber they were uncertain what general rights the Political Department claim. The Political Officers are a law unto themselves, unless their law is that of Mysore. The Maharaja, said the Treaty of Mysore, should at all times conform to the advice given him on finance, taxes, justice, trade and industry, and if he failed to observe this advice the Governor-General in Council might take possession of the State, and administer it as part of British India. It is incredible to the Princes that such provisions can be enforced upon States which have never been part of British India, States with which we have long been in friendly alliance. But the whole position is now in doubt owing to the action taken during this generation in two important States in Rajputana, Bikaner and Udaipur.

The Princes of these States are both forceful personalities. Sir Ganga Singh, the Maharaja of Bikaner, is still in the prime of life, and is one of the leading Princes in the Chamber. A soldier and a statesman, he has a firm grip on policy. It will be recalled that he was a member of the Imperial War Cabinet, and attended the Peace

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Conference. His country, which from its sandy wastes was long known as the desert land, he has brought to fruitfulness by canals and irrigation. Sir Fatch Singh, the Maharana of Udaipur, who ruled until 1921, and still administers justice in the State, is the venerated doyen of the Rajput Princes, and the embodiment of the pride and traditions of their ancient race. His austere habits and assiduous industry have preserved in age the faculties of his prime, and he is to-day younger than several of the veterans who have held power in Europe since the war. The Treaties of alliance which Lord Hastings made in 1818 with the States of Rajputana were of great political importance, because in freeing them from Mahratta dominion and assuring them of our protection, we set them up as a bulwark against any revival of Mahratta ambition. They are Treaties of "perpetual friendship and alliance", and contain the engagement of the Prince to act in subordinate co-operation and to acknowledge our supremacy, and our guarantee that the Prince shall be the master in his own country.

In Bikaner, during a long minority administration, a number of restrictions were imposed, one of the chief of which was the shutting down of the State Mint. The abolition of Mints during minorities has been common; it has been part of the British Indian policy to secure uniformity of currency throughout the continent. It is a strong argument that this would be to the advantage of India as a whole; but on the other hand, the prerogative of coinage, which is still maintained in some States, is regarded as one of the most valuable rights of sovereignty,

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and the people in many parts prefer the smaller coins in the States which are better adapted to the scale of wages and prices. It was a one-sided agreement that was imposed on the Bikaner Durbar in 1893, as it prevented the coinage of silver or copper for thirty years, and stipulated that at the end of that time no coins resembling British Indian money should be struck by the State. The Political Department desired to enforce all the changes they had made in administration during the minority *régime*, and to keep their grip on the State. So when the Maharaja came to the throne in 1898, at the age of eighteen, the resident Political Agent was made joint Ruler. In pursuance of this policy the following ultimatum was sent to the Prince:—

“ 19th November, 1898.

“MY DEAR MAHARAJA,

I am directed to inform you that the Government of India have decided that Your Highness may now be entrusted with the management of your State, subject to certain limitations to be imposed for a time at least.

These limitations are:—

- (i.) That no measures or acts taken or done by the Council of Regency during the minority may be altered or revised without the concurrence of the Political Officer accredited to the State.
- (ii.) That the Political Officer's approval must be obtained before any important change is introduced in the administration.
- (iii.) That His Highness the Maharaja will not act against the Political Officer's advice in any important matter.



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I am to ask you to send me a formal acceptance in writing of these limitations. I am sure you will recognize the consideration which has been shown in framing them.

Yours sincerely,  
(Colonel) "H. A. VINCENT."

The clause in the Treaty which this order violated runs,—“The Maharaja and his heirs and successors shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that country”. One result of the divided rule set up was that the resident Agent was inundated with petitions against the jurisdiction of the State Courts. The young Prince sought from the first to tear these shackles from the State. He was thwarted at every turn, although the abatement of his authority encouraged a seditious movement in the country. The difficulties were not lightened by the character of successive Agents, who were of the fussy type described by Sir Sidney Low in his illuminating “Vision of India”. One day the files of cases tried by the Courts would be called for, the next there would be a complaint to the Durbar of the quality of butcher’s mutton supplied to the Agency establishment. The right of the Maharaja to issue licences to English officers to shoot game was ridiculed; his visits were criticized; his appointments were questioned. On interventions in the course of justice one Officer in a letter to the Prince made this revealing statement:—

“It is, I assure you, no uncommon thing to call for information in respect of complaints from subjects of

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Native States, from the biggest Durbars in India and where Chiefs have held their powers for years. When I was in the Foreign Office I have seen and signed plenty of letters asking A.G.G.'s and Residents to procure such reports."

It may be added that many Agents have established a regular system of receiving petitions against the decisions of officers of the States; and various scandalous stories contributed by disloyal officials or servants are also docketed by the Political Department.

Sir Ganga Singh, with the resolution which characterized him from a lad, refused to be brow-beaten, adhered to his policy, and made his protests to the Government, but eight years elapsed before he succeeded in getting the restrictions on his Government withdrawn. If the Prince had not waged this long contest, his State would have remained in the condition of tutelage enforced by the Department against its Treaty rights.

The Maharana of Udaipur, or Mewar, is a patriarchal ruler, and doubtless a conservative policy is best suited to the Rajputs. Long ago Tod wrote that in morals the Rajput's course is chalked out for him by the sages of antiquity, and in habits by that which custom has rendered immutable; and it is true to-day despite the activities of "agitation-wallahs". The poorest Rajput has a pride in ancestry which is a shield against Western modes of thought. But the Maharana has not eschewed modern ideas, although he may be said to have approached them gradually. It was in 1884 that he was called to the throne, and one Viceroy after another paid

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tribute to his government. Lord Lansdowne spoke of his high character as a ruler and his generosity to public institutions; Lord Curzon of his unremitting toil; Lord Hardinge of his unfailing courtesy and consideration; Lord Chelmsford of his proverbial loyalty and chivalry. King Edward, when he made his visit as Prince of Wales, spoke of the State's great traditions "greatly maintained".

In addition to the early sketch given of the Maharana in Mr. Rudyard Kipling's "Letters of Marque", there is a later picture of him in Sir Claude Hill's recent book "India, Stepmother". In this is shown the simplicity and austerity of his life. His hours from morn till night have been spent in duties of State, his only relaxation being the hunting expeditions to which on occasion he is addicted. Some think he was at fault in not delegating more duties; and yet in view of the recurring difficulties he had with his Thakurs, or feudal Barons, it was perhaps the path of wisdom. Complicated land disputes often arose for decision, and though in these and other matters he was wont to delay judgment, it was, as Sir Claude says, because he "searched whole-heartedly for the truth, never seeking his own advantage in anything". The writer adds from his personal experience that, although power was thus centralized, the people were contented. The Maharana does not speak English, which has irked successive Residents, who have also found it difficult to get his consent to such modern innovations as electric light. When they pressed British Indian reforms on the Prince he had an elusive way of shelving them

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by keeping them "under consideration". Then, too, prisoners under trial sometimes waited long for justice. On the other hand, during forty years the Maharana never increased the taxation of his people. The administration of justice in British India is often protracted, and since also it is coupled with higher taxation, there is little doubt which *régime* the Rajputs would prefer.

Moreover, the State does not belong to us. One clause we signed in the Treaty which bound us to "perpetual friendship" with Udaipur ran,—“The Maharana of Udaipur shall always be absolute ruler in his own country, and the British jurisdiction shall not be introduced into that Principality”. It was of special significance that Lord Minto in 1909 made a Viceregal pronouncement on the relations between the Suzerain and the States at Udaipur, whose patriarchal rule our Political Officers had long itched to alter. There was at the time a reaction in the States against the rather domineering policy of Lord Curzon, and resentment at the frequent attempts to thrust British Indian administration on them. Lord Minto took the opportunity to allay anxiety by giving in the heart of Rajputana a clear warning to the Political Officers. To save their *amour propre* he said, “I can assure Political Officers I am speaking in no spirit of criticism”, but he continued:—

“ My aim and object will be, as it has always been, to assist them; but I would impress upon them that they are not only the mouthpiece of Government and the custodian of Imperial policy, but that I look to them also to interpret the sentiments and aspirations of the

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Durbars. . . . The methods sanctioned by tradition in States are usually well adapted to the needs and relations of the ruler and his people. The loyalty of the latter to the former is generally a personal loyalty which administrative efficiency, if carried out on lines unsuited to local conditions, would lessen or impair."

This warning was soon forgotten. When Mr. Wilkinson took up his duties at the Udaipur Residency some dozen years ago doubtless he did not find it a bed of roses. Zealous as he was for Western ways, he would have preferred speedier justice in the Courts of Law, and the promotion of efficiency as it is understood in British India. For some time past India had been profoundly disturbed, and in the early part of 1921 Mr. Gandhi's non-co-operative movement in Bengal was very successful. There were agrarian riots in the United Provinces and the inflammatory influence of the agitators spread to some of the States in Rajputana. Among the primitive Bhil tribes living in Rajputana and adjacent territory there was a general ferment. They are a wild and furtive race, though sometimes lovable, as Mr. Kipling has told us. They were particularly troublesome in Ajmer, where Sir Robert Holland was stationed as Agent to the Governor-General. In the neighbouring States of Bundi, Tonk and Sirohi there was also unrest, and the Political Officers were uneasy, some having visions of another Mutiny, though it was afterwards realized that these fears were exaggerated.

In Udaipur, where the trouble was not so pronounced, the Bhils tried to pasture their cattle on the State grazing

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lands, and were warned off. An inquiry was made which did not clear up the case, and the agitation was renewed early in July at a village fourteen miles from the capital. A large party cut the fences, and turned their cattle on to the State land, and a deputation was sent to Udaipur, where they made a demonstration which did not apparently alarm the city. The Maharana at the time was hunting in the neighbourhood of the disturbance, and instructed the District Officer to take the depositions of the leaders. When this was done a big crowd surrounded the village headquarters, beating their drums and throwing stones, and the Officer becoming alarmed sent a message to the Prince asking for help. The Maharana in turn bethought him it would be well to ask Mr. Wilkinson to use the Mewar Bhil Corps to disperse the rioters, as a company of these sepoys was stationed at the Residency. Such an application for the use of British troops to suppress internal disorder is, as I have pointed out, a sore point nowadays with our Political Officers, though it ought not to be, as we undertook in our Treaties to give this kind of protection. In this case, inasmuch as the State contributes 50,000 rupees yearly towards the cost of the Mewar Bhil Corps, there was the more logic in Sir Fateh Singh's request.

The Resident may have thought the Maharana made the claim in order to vex him, while the Maharana may have wished to show the turbulent Bhils that the British Government were behind him—these are matters of speculation, What happened was that Mr. Wilkinson promised he would consider the matter and make an early reply. Instead, he

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communicated with Ajmer. The Maharana, as he received no reply, sent a score of his own troopers to the village, the District Officer released the men who had been detained for their depositions, and the Bhils returned to their homes. There was neither loss of life nor bloodshed in dispersing them. A few days afterwards, on July the 12th, Sir Robert Holland arrived unexpectedly at Udaipur, and in an interview with the Maharana gave him to understand that it was desirable in view of his advancing years that he should abdicate in favour of his son. The mentality of our Officers seemed at that moment to be that Rajputana was going Bolshevik, though it was not the Rajputs but the primitive Bhils who were the prime cause of trouble. Such a state of mind may, perhaps, be offered as an explanation, though nothing can be accepted as an excuse, for the action taken. It would explain the urgency of the telegram to the Viceroy as to the state of disturbance in the country; it would explain the latter's need in what purported to be an emergency to be guided by the men on the spot. Lord Reading at the time had been in India only three months.

Sir Fatch Singh was bewildered; the interview was to him a bolt from the blue, and he pointed out that nothing which had taken place could warrant such a request. He afterwards called in an old servant of the State and through him sent to the Agent a message informing him that he was not disposed to abdicate, and that while he was willing to delegate some authority either to his son, the Maharaj Kumar, or to high officials, he considered it indispensable that the ultimate control should remain

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vested in his hands. He also asked that the questions raised should be postponed for a month to enable him to deal with them comprehensively. Sir Robert Holland, who stayed on in Udaipur, replied to this message on July the 17th, repeating his request in the words, "it is highly desirable that Your Highness should for the future resign active participation in the administration of the State". This was based on "the very serious state of affairs now existing in Mewar". He stated that for many years past the Maharana had attempted the impossible task of concentrating the whole of the administrative arrangements in his own hands—which was incorrect, as many minor matters were dealt with by Ministers of State. The letter further suggested that the Maharana's powers were gradually failing, and this at a time of unprecedented political ferment; that there were defects and abuses in almost every Department of the State; that the need for reforms had been pressed on the Prince without his having shown any readiness to benefit by the advice; and that widespread discontent was being exploited by agitators. The Agent undertook to transmit the request for a month's delay. Finally, he offered a Commission of inquiry in terms which in effect invited a refusal.

The Maharana sent his answer at once. He asked, since the Agent's letter had been couched in vague terms, for a detailed list of the subject-matters considered serious, so that he might make effective arrangements to rectify them. He said his health was good, as, indeed, everyone knew; and pointed out that the disturbance in Udaipur,



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now at an end, had been promoted by agitators from outside. He sent papers showing how the agrarian unrest had been dealt with, and reaffirmed his conviction that his advice and guidance were needed by the State. No list of complaints was sent to the Prince, and five days afterwards Sir Robert Holland sent him a letter requiring him to delegate wide powers of administration to his son. An attempt to soften this high-handed action was made in the following passage:—

“The Government are fully aware that Your Highness’s labours on behalf of your people, which have extended over so many years, have been inspired by an earnest desire for justice, that you have performed the duties of your high office with unselfish and unremitting zeal. The mere fact, however, that the whole of the administrative arrangements have been concentrated in Your Highness’s hands, has lately rendered your task impossible of achievement.”

In August the Maharana wrote to the Viceroy again urging that he should be informed of the complaints against him. He was not told what they were until January 1922, through a note supplied by Mr. Wilkinson. The list contained some matters too trifling for mention. The chief complaints were of backward education; deficient roads and irrigation; and currency not stabilized. It was said that there were disputes between the Prince and his feudal Thakurs; that prisoners waited too long for trial; that subordinate officials in the Government were underpaid; and that the central hospital was out of date and the dispensaries too few. It will be seen that

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these complaints did not include any charge such as in the past the Government of India have advanced to justify direct intervention. India knew that the Maharana throughout his career had set his face against every kind of evil doing, and no such allegation could have been maintained.

For the rest, every complaint made could be brought with more force against many parts of British India. The trouble with the Bhils owed its origin to British India. In many districts in British India there are plenty of bad roads, and the Maharana, at any rate, linked up the railways. The irrigation in British India, exemplified in the famous Punjab Canal colonies, is practically the fruit of our efforts during the last twenty-five years. The Maharana had founded an Irrigation Department, and spent £350,000 on the construction of numerous tanks, besides which he had spent £750,000 on public works. As to backward education, as has been noted, British India can only boast of 2,500,000 "literate" out of a population of 250,000,000 and cannot provide the money for many schools that are wanted. The Maharana had built forty-seven district schools, supported universities, and contributed generously to educational institutions. There had been delay sometimes in dispensing justice; but compared with the endless expense and litigation which our judicial system in British India often involves, the process in Udaipur might almost be regarded as expeditious. Even in British India the claims of Thakurs, who are a relic of the old feudal baronage, are often a cause of dispute; and in British India there

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are countless complaints from Indians in subordinate official posts that they are underpaid. With regard to hospitals and dispensaries, Sir Fatch Singh had always prided himself on never refusing any requests by the Residents, and kept the proof of it, and he had established twelve hospitals. As to the currency, over which British India has had so many difficulties of its own, the Maharana had shown that he had the interests of his State at heart by trying to stop illegitimate speculation in exchange differences.

The *coup d'état* which the Political Department enforced in July, 1921, was that the whole functions of State should be transferred to the Maharaj Kumar, except the administration of justice, which was left in the hands of Sir Fatch Singh. The occasional delay in dispensing justice was one of the chief counts in the illegitimate indictment against the Prince, yet in this regard no change was made. An official *communiqué* was sent by the Department to the Press stating that the Maharana owing to advancing years had delegated wide powers to his son. Sir Fatch Singh appealed to the Secretary of State for redress of grievance, which has not been granted. The trouble among the Bhil tribes soon died down. No particular change has resulted in the administration of Udaipur; the Maharana is as active and mentally alert to-day as was M. Clemenceau at the same age; and everyone in India who is aware of the facts wonders what was the reason for the extraordinary intervention, which is deeply resented in the States. Little surprise is expressed that these transactions were

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cloaked in secrecy. Indeed, this was a diplomatic necessity, for early in 1921 the Duke of Connaught had repeated the Royal assurance to the Princes of India that the Crown would maintain unimpaired their privileges, rights and dignities, "a pledge inviolate and inviolable".

## CHAPTER IX

### LESSER SOVEREIGNTIES

#### (1) THE COMPANY'S ENGAGEMENTS

The important Indian States are represented in the Chamber of Princes. No attempt to arrive at a precise classification has been successful, and it is still true, as was suggested by Lord Chelmsford, that the best guide, imperfect as it is, will be found in the list giving the varying salutes of guns awarded to Rulers. There are 110 autonomous salute States directly represented in the Chamber; and 127 smaller States who are indirectly represented by twelve Princes whom they periodically elect. It will clarify thought to realize that the area of the States represented in the Chamber is six sevenths of the whole territory occupied by this other India. The larger States are great and populous kingdoms whose Ruling Princes have full powers of life and death, and legislative and executive independence.

In addition to the States thus classified, there are several hundred Ruling Chiefs, or Chiefs of small States, and Zemindars or Magnates owning petty estates. There are Rajas in hill countries, Bhumias and Thakurs in Central India, Jagirdars in the Deccan, Zemindars and Talukdars in the Southern Mahratta country, and Girassias in Gujerat—all rulers, but many without

## LESSER SOVEREIGNTIES

sovereign rights. They have been likened to mediæval Barons, some of whom in the past established their independence, while others acknowledged rights over them of larger States. In the case of the latter, by far the most numerous class, the British adjusted the claims, calling the subsidiaries "mediatized". Their authority was limited to what was expressly granted them. To collect any former tributes transferred to us, and to supervise our Treaty engagements, we assigned Political Agents to different groups. The lands were often so divided and sub-divided, by inheritance, sale or warfare, that a petty Chief may rule over only a few square miles. So, in Kathiawar there are 193 States, though little more than a dozen are important. The Southern Mahratta States to the north of them, of Mahi Kantha and Rewa Kantha, are not far short in numbers. Sometimes a bigger State emerged from the ruck of little ones, like Idar in Mahi Kantha, or Bastar in the Central Provinces. For the British it would have been neither profitable nor practicable to annex or absorb these remote territories before the Mutiny, for the country was not opened up, and we had no railways. It was also against the policy of the East India Company in those days. But with the later advent of the railways, and the ambition of our Political Department to promote uniformity, their ultimate destiny would have been absorption in British India if the Royal Proclamations had not saved them.

To the lesser States in the Chamber, or without, their rights of sovereignty are as dear as to major States. To some we gave Treaties, some had Treaties which have

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been ignored, others enjoyed once a position of independence which at first we recognized; and in all these categories there are now complaints of rights overborne. Many Rulers have been reduced to a condition of complete tutelage by our Officers, acting on instructions given in "Feudatory States Manuals", the latest of which was issued as recently as 1917. To illustrate what has often taken place some pages may be given in the history of two States in Bihar and Orissa, and one in the Central Provinces. Despite the inrush from the north-west which for centuries swept along the path that was to become the Grand Trunk road, and the final scourings of the plundering Mahrattas, Chiefs and Rajas still survived here, and in fastnesses on the fringe of many other mountain ranges; or sheltered by jungles as by a natural stockade; or in comparative security at the outer edges of the tide of invasion. Thus throughout India there remained lords of the soil where nature gave vantage.

Orissa was a salient refuge, and its mountains were a stronghold for the remnants of aboriginal tribes. The northern ranges of the Orissa mountains, with the extended jungles above them, were a rampart against enemies in the early days of our occupation of Bengal. Rolling south from a corner of the inner table lands, the whole range was like a wall of partition between Calcutta, to the north east, and the Mahratta kingdom of Nagpur, which then embraced the Central Provinces. There was one way through, at the southern base of the mountains, where there are low-lying delta lands formed during the ages by an eternal strife between the rivers

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and the sea. This maritime strip, narrow at the south by the Chilka lake, and then broadening upward towards the once flourishing port of Balasor, is the natural road-way between Madras and Bengal. The alluvial plains, which are fertile when the gods are kind, seem to invite the invader, but they are guarded by a net-work of rivers, and their Princes withstood three centuries of Muslim raids, and kept inviolate the Jagannath shrine of Hindu faith and pilgrimage at Puri long after the Afghans had trodden down ancient dynasties in Central India. At length, hemmed in by Islam on two flanks, this delta province succumbed, first to the Afghans, and then to the Moghals. Thenceforward Orissa became a pawn in the game of Empire, but the game was played out on the lowlands by the sea, which are now part of British India.

Above these plains, amid the highlands towering to the north, the Rajas of the hill tribes, governing a score of petty States, were little hurt by the raging wars. Against their cliffs the tide of conquest had broken, swirling up the passes only to fall back again. Their countries were called the Mahals of Orissa. The word mahal means a district, and its use was later a factor in the blunders made as to their status. The tribes were fierce, and practised war in internecine feud; they were savage, and given to human sacrifice and other cruelties. A hardy folk, with a primitive land tenure, their village communities had nestled in the ribs of the mountains perhaps for two thousand years. They grew sugar cane and cotton in jungle clearings, and rice and coarse cereals in the



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hidden valleys, though crops were sometimes devastated by torrents when swollen rivers were hurled through the gorges. The jungle is alive with tigers and other fierce beasts, so there was plenty of game, and their hunters were never idle. The forests are a famous haunt of elephants, and the Chiefs in the middle ages were known as the Lords of Elephants.

The remnant of the Afghan conquerors harboured in these ranges when they were driven from the plains, but they were too restless for Hindu village life, and time and again swooped down to seek revenge upon the Moghals until by them they were scattered or destroyed. A Moghal Governor was given the nominal suzerainty, under Akbar, of a dozen of the hill States, but could do nothing with them. Towards its dishonoured close the Moghal Dynasty made over the collection of tribute to soldiers of fortune, and these chastened the people in the delta lands with whips which, in the Bible phrase, were changed for scorpions when the Mahratta confederacy fastened their grip on the dying Empire, and emerged as the oppressors of Hindustan. While the Mahratta Prince, from his central camp in Nagpur, waged incessant war on his neighbours, his deputies wrung blood money from southern Orissa, which had been made over to him in 1757. Rapine ruled, and the tortured tribes sought refuge in swamp and forest. During fifty years the lowlands gradually became a place of desolation, watched with misgiving by the European factories dotted along the seaboard, beneath whose walls the Mahrattas would sometimes flaunt their cavalry. But the robber bands

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could wring little tribute from the hill States by raids, which as often as not were repulsed with slaughter. They were resisted also by several of the Chota Nagpur States, among them Saraikella which adjoins the northernmost Orissa Mahal, Mayurbhanj. The Mahrattas, therefore, organised now and again an invasion of the hill States, and punished though they could not subdue them.

At the beginning of the nineteenth century our Indian possessions were in danger, and vast territories would have been lost to us had not Lord Wellesley challenged the Mahratta dominion by strategy and war. We won some extraordinary victories in this the second Mahratta campaign, but did not then reap the harvest. General Lake's successful campaign against Scindia was overclouded by the blunders in the war with Holkar, and the failure at Bhurtpore. Arthur Wellesley's brilliant triumphs wrung the Treaty of Deogaon in 1803 from the Bhonsla Raja of Nagpur; but this was afterwards stultified by the vacillation of the East India Company. For the same reason our success in the subsidiary Orissa campaign was impaired, though the chief aim was achieved, the dislodgment of the Mahrattas from their base in the delta between Madras and Bengal.

It is of interest to examine the latter operations, since it was at this time that some of the minor States came under our protection. The British forces had little trouble in Orissa. Lord Wellesley had sent out pacific proclamations to all the natives, and each marching column was welcomed by priests and peasants. The army marching north from Ganjam, our fort on the coast, past Chilka lake had

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but one desperate encounter in the field, and they seized at a blow the capital town of Cuttack, where fifty miles inland the Mahanadi river divides. Balasor was secured by 500 men sent by sea from Calcutta. A third force marched south from Jaleswar, with its base at Midnapur, where a reserve was stationed. This column would have been in serious jeopardy if cut off from its base. The Mahrattas on their hardy ponies, carrying many days' provision, were wont to hover in Bihar, above Saraikella and Mayurbhanj, and in the Midnapur district they still had an enclave. As a measure of safety Lord Wellesley made overtures to the States of Saraikella and Mayurbhanj to secure their friendship and their resistance to the common enemy. To the ruler of Saraikella, Raja Abhiram Singh, Lord Wellesley's letter, dated September the 22nd, 1803, and hitherto unpublished, was as follows:—

“TO THE NOBLE AND ILLUSTRIOUS ONE. MAY YOUR  
HIGHNESS BE IN GOOD HEALTH.

“Whereas in these days owing to the attitude adopted and the treatment accorded by Maharaja Raguhji Bhonsla Bahadur, the friendly relations and cordial feelings between the English Government and the Government of the said Maharaja have ceased, it has therefore become necessary and obligatory upon authorities to take up arms to guard the legitimate right and interest of the Government. Such being the case, the Government of the English Company have collected troops in Cuttack with a view to interference. But your Highness is strongly assured that the authorities have not the least intention and

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desire to march the English force through your Highness's country or to demand any present or tribute.

"The object of writing this friendly letter is to make a prayer to your Highness to the effect that your Highness will be gracious enough to take measures to prevent the gang of robbers and the band of adversaries from passing into the country of the English Company, through your Highness's country. The fact of your Highness's desire to maintain friendly relations with this Government is more clear than the sun and, in view of the wisdom and sagacity of your Highness, it is firmly believed that your Highness by expressing friendly feelings in the manner aforesaid will give great pleasure to me.

"WELLESLEY."

This was sent by Mr. Ernest, the District Magistrate at Midnapur, who in a covering letter gave a promise which was treasured by the State:—

"The Governor-General, knowing you a very generous and faithful friend, has written this Parwana (order) for your assurance, which is being sent to you for your information. The whole country is aware of the value of the word and the assurance given by the Company Bahadur. They never resile from the word of assurance given. Therefore you getting assurance in every way should entertain no suspicion on any account.

"If a little friendship is shown to the Company Bahadur at the time of need, it will do you good for ever. It is therefore proper for you that you should take suitable steps that the Mahrattas may not pass through the boundaries of your territory and stop supplies to

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them. If you fail to do it alone then you will write, and assistance will be sent to you immediately from here. By this the Governor-General will be greatly pleased, and kind to you, and will be pleased to see that you be maintained in your Zemindary as before."

The Raja, having agreed to the proposals, received an acknowledgment, dated October the 11th, from Captain Birch, the Deputy Commissioner, who, not to be out-done by Mr. Ernest, wrote:—"Take assurance that should your country come under the Company's government, His Excellency the Governor-General will not demand any revenue from you. You will continue to hold it free of revenue as you do now. The Company's Government will always remain kind to you".

To the Princess of Mayurbhanj, Lord Wellesley also sent a letter, which was of similar import, for the Magistrate at Midnapur, in a letter in the following year testified to the "great zeal and alacrity" with which the Maharani Sumitra Devi Bhanj had complied with the Governor-General's request that she should help the English Army. There had been friendly relations before this with Mayurbhanj, which had supplied our frontier troops with provisions. It is the largest of the Orissa States, and once embraced Keonjhar. The rulers proudly trace their origin to the Peacock dynasty, and their people in early times were turbulent and ambitious.

Thus from the north the Mahrattas dared no attack. In the south, proceeding from Cuttack our troops forced the flying enemy westward, and finally defeated them at the Barmul pass, which was reckoned the key to the

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Central Provinces. Straightway ten of the nearest hill States tendered us their fealty. Mayurbhanj entered into no engagement with us then. Saraikella, too, was left undisturbed for a time. The East India Company had little opportunity to consider their rights in their new dominion. Indeed, they were in doubt as to what rights they actually took over from the Mahrattas. Other States adjacent to Nagpur, besides those of Orissa, were unexplored and deep in jungle. In Kolhan, a densely timbered tract of 2,000 square miles west of Mayurbhanj, the warrior Kols had defied conquest. Much of the huge amorphous district round about the Orissa rampart was unknown—it was Jharkand, the forest land, which the Moghals could not penetrate. All that could be done there at first was to exercise a cautious surveillance. In southern Orissa, which we had annexed, the Company's Commissioners had, by contrast, an easy task, and proceeded to establish a mild form of British administration, putting in practice their general regulation system.

Then all was reversed. The Company's Court of Proprietors, who had been alarmed at the Imperial policy of Lord Wellesley, which increased debt and reduced dividends, seized as an excuse on the later failures in the campaign and recalled him. Lord Cornwallis, now old and enfeebled, was sent out with instructions to eschew high policy. Before he died, two months after his arrival, he had signed away most of the British gains. His successor, Sir George Barlow, carried his instructions further. He truckled to the Mahrattas, and forswore the Rajput States, which lapsed into anarchy; but he earned

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good dividends. To lessen the Company's responsibilities in another direction the Sambalpur group of tributary States was ceded back to the Raja of Nagpur, who promptly took his revenge on them. Later, Lord Minto, though he did something to restore the British name, was not prepared to press the Mahrattas to the point of war.

It was reserved to Lord Hastings to clear up the chaotic muddle when he established our paramountcy. He saw his problem as a whole, but kept an eye on detail. While engaged in the war with Nepal he settled the position of the Simla Hill States; and he appointed, in 1814, a Superintendent of the Orissa Mahals, whose business it was to keep the peace, but "not to weaken the influence of the Rajas". Further, to prepare the way for his great encircling campaign against Mahrattas and Pindaris, several alliances were entered into, including a subsidiary Treaty with the Regent of Nagpur, where there was now a minority Government. This Regent, Appa Sahib, proved faithless, and was defeated at the close of 1817, when terms of control were imposed upon Nagpur. The Sambalpur group was taken again under our protection along with Chota Nagpur States, and we took also the Chhattisgarh dominion of Nagpur, which included the State of Bastar, now in the Central Provinces. Bastar, which is 13,000 square miles in extent, had a Treaty with the Nagpur Mahrattas, and was not governed by them. The Nagpur Kingdom was finally annexed in 1854. Various transfers to this or that Province were afterwards made, and the tributaries of the Mahrattas had a chequered

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history. Some States in these regions we annexed; several retained their independence as part of the Central Provinces; while other independent States which survived belong either to Orissa, or that strip of Central India which extends to the north west of it.

Lord Hastings' policy, after the dominion of the Mah-rattas had been destroyed in 1818, and apart from his Treaties with major States, was annexation wherever practicable. Many hill and jungle States, however, like the Mahals of Orissa, retained the right to manage their own affairs, if only because they were inaccessible. With them engagements were made, fixing a tribute, often nominal, in token of their willing acknowledgment of the Paramount Power, or its suzerainty. The governors of the Company had a world of business to attend to, and in administering and docketing their affairs, they had neither the time nor the troops to force their way through trackless jungle and breakneck pass to dot the unknown lands with garrisons. These were but wayside places, and the gates of an Imperial garden had swung open.

Saraikella remained in a sort of no man's land above Orissa, along with its daughter State of Kharsawan. Neither of them had been tributaries of Nagpur. The fact appears to be that the Company forgot to make engagements with them. When the new South-West frontier was being formed a friendly message was sent by the Government confirming them "in their actual possessions and authority", and Captain Roughsedge, the Political Agent, accordingly wrote to the ruler of Saraikella, on January the 23rd, 1819:—



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“Kind and sincere Babu Bikram Singh, may God keep you safe. Through grace of God all these places have come under care and protection of the English Company (Bahadur) with whom prosperity rests. It is considered necessary to enlist your country also under the protection of this Government. It is intended to preserve and keep intact whatever position, respect, honour or land you might be holding from before; and the Government (already praised) means the welfare and prosperity of the country.”

With the proud State of Mayurbhanj, which had paid no tribute to the Mahrattas, a Treaty was made in 1829. Like the smaller States of Orissa, it was independent, and this Treaty undertook to maintain the Maharaja in the position and privileges he had heretofore enjoyed, which embraced the complete control of his internal affairs. The clause engaging in case of need to bring troops to the assistance of the Paramount Power is similar to the clause ratified with more important States. Mayurbhanj undertook to pay the Company a small tribute, but the Raja in his Treaty refers to “my territories”, “my own troops”, “my heirs and successors”, which is not language that would be accepted from a subject. Under Lord Hastings’ regime it was ruled that any interference with the tributary Mahals should be confined to the suppression of internal disorder, or of feuds between the States, and to the correction of systematic cruelties or violence which might bring the Paramount Power into contempt. But before long a different mentality developed in the rank and file of the Service, the general view taken being that all the

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States were destined to be absorbed eventually in British India.

The risings and rebellions of savage races, of Paiks and Khonds, Hos, Kols, and Santals, from time to time gave a good deal of trouble, and generated distrust. The necessity to put down barbarous customs, Suttee, female infanticide, and human sacrifice, presented our administrators with the picture of rude tribes in tutelage. The sacrifice of the Meriah, the human victim, to fertilise the crops, linked the Khonds with some of the most primitive folk in the world. It was, perhaps, natural that, one after the other, our Superintendents and Agents longed to rule these people for their good. Their brother Officers in British India were busy drafting regulations, promoting education, controlling the Judicial system, and administering land settlements—why should they not govern the hill States by regulation and criminal jurisdiction? The answer, of course, was that the States were not ours to govern; and, indeed, to the East India Company this was a source of satisfaction. From economic motives they approved the more gradual task, which a few devoted Officers undertook, of helping the States to work out their own salvation. By living and working among the independent tribes in these early days such men as Macpherson, Campbell and Cleveland, whose names are still honoured, exercised a humanizing influence and weaned them from their cruelties.

The Superintendents of tributary Mahals, however, desired more control. In particular they considered that the hill Rajas ought not to have full judicial powers,

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criminal as well as civil, in their States. The Rajas had life and death powers, being sovereigns. In the same year as the Treaty with Mayurbhanj, the Government's decision on this point had been asked by Mr. Pakenham, and the ruling was that the Government "recognized the power of life and death as being vested in the Rajas"; and in most cases the Rajas exercised full judicial powers until 1839. This was in spite of pressure by the Political Officers, who constantly tried to get murder cases sent up to them for trial. In 1839 a strong move was made by Mr. Ricketts to get sanction for a regular system of British management in the States. The Governor's reply was that the system would involve more interference than was desirable, and would "weaken injuriously the influence of the Rajas over their subjects".

In the next year the attempt was renewed by Mr. Moffat Mills, who proposed a series of rules, and the limitation of criminal jurisdiction. The Bengal Government then weakened. They would not agree to pass such defined or permanent rules, but they directed that the spirit of the rules might be acted up to in future. In effect, without committing the Government, this gave *carte blanche* to the Superintendents, who proceeded to make the Rajas amenable to the Agent's Court in cases of murder, homicide and heinous offences. Nor did they stop there, but gradually reduced the jurisdiction of the Rajas in other directions, until in some cases they were left with very little authority. The degree of interference varied with the views of successive Superintendents. Saraikella at one period lost practically all its judicial

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powers, proving amenable to pressure. But other States disputed this new control, and the constant friction led to an inquiry in 1853, when the Government passed a resolution in which it was once more laid down that it was the duty of the Superintendent to uphold the authority of the Rajas, as well as to protect the people against gross or systematic misrule. Moreover, "the guiding principle of non-interference, a principle heretofore steadily maintained by Government, should be carefully adhered to, and not departed from in any instance without special sanction". So did political practice, not yet codified, swing to and fro, till the Mutiny.

## (2) THE GOVERNMENT'S PRACTICE

When, following the Mutiny, the British Government took over the affairs of the East India Company, the Royal Proclamation which declared that all Treaties and engagements with the natives Princes would be scrupulously maintained, was at that moment a counsel of perfection. In some cases major Treaties had been overlaid with inconsistent conditions to which the Rulers had assented under pressure. In regard to many of the lesser Chieftains the East India Company's servants were in the dark as to what the engagement or relationship really was. The obscurity of the position could not be illumined without elaborate investigation, and for this there was no time. The Government had pressing duties and great projects in hand in British India,—the pacification of the country, the re-organization of the army, the restoration of the finances, the promotion of industry and public works, and the reconstruction of the machinery of Government. Lord Canning was able to take one preliminary step which was imperative in view of the alarm caused by annexations; but his Sanads assuring a hundred and forty Princes that their thrones were secure should have been sent to many others. In Orissa during the

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Mutiny the hill tribes were loyal; the Rajas of Keonjhar and Mayurbhanj held the passes, helped the British, and with the bordering State of Saraikella, which fought for us, formed a wedge between two rebel districts. So it was with many other minor States who did not receive Sanads.

It was not until Lord Lawrence's Viceroyalty that the Executive had time to face the complicated problem with which they had been presented by the Proclamation. Arbitrary distinctions had been drawn in the past between independent and dependent States, and if the Treaties and engagements were to be observed in future, it was necessary to ascertain what their provisions were by some process other than routing through the various archives, and a protracted exchange of correspondence between Calcutta, Bombay and Madras. Sir Charles Aitchison, already a leading figure in the Political Department, was encouraged by the Viceroy to compile and edit an exhaustive list of all the Treaties, engagements and Sanads, and the first volume was published in Calcutta in 1862. The earlier attempts at codification had been unsatisfactory. But although he was not only expert but very industrious, it took Sir Charles some years to produce a first edition, which was incomplete. By the time it was revised the Treaty conditions in the States had been deflected by the Political Department's practice. A speedier process than this was necessary in the case of the minor States, for there was much unrest, and old feuds had been revived by the atmosphere of war. Sir Richard Temple was deputed to report on the position of the Chieftains in the Central Provinces; other inquiries

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were set on foot in Bihar, and in Rajputana; and the Government of Bombay were asked to report on the numerous States in Kathiawar. Southern India presented no problems, as there are very few petty States there.

Sir Richard Temple was hard put to it, among the Chieftains of the Central Provinces, to say whether an estate should be absorbed in British India or come under the Proclamation; or to determine the difference between a Zemindar, or landowner, and a Feudatory Chief. They were "native Princes" in the Proclamation, not "Feudatories", but the word was creeping into use. As Chief Commissioner Sir Richard pitched his camp in different parts of the country, and summoned the Chieftains to visit him. Some, being suspicious of the procedure, refused. One of these was the Raja of Bastar, who considered, quite rightly, that his relations with the British should be governed by the Treaty with Nagpur which, along with his tribute, we took over from the Mahrattas. It was the custom of the East India Company to observe such Treaties, and this was one of independence. But because the Raja did not come to camp his Treaty was not recognized by the Commissioner in his Report, and so Bastar lost its Treaty rights. In other cases also Sir Richard, it must be confessed, was capricious. A Raja who showed himself discourteous was made a Zemindar. Of two Zemindars who were brothers, the younger came to camp and was made a Raja, while the elder who stayed away remained a Zemindar.

The Government were rather suspicious of their Commissioner's Report, but felt no other course was open to

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them but to act on it. So, in accordance with its recommendations, they decided to recognize fourteen Chiefs in the Central Provinces. The obvious method was to give them adoption Sanads, as Lord Canning would have done if their position had been understood. The Officers in the new Department, however, decided to take the opportunity to make these minor Princes or Chiefs actual Feudatories by imposing very definite restrictions on their powers; and the plan was devised of offering the Sanad in exchange for a Fealty Bond by which the Raja should bind himself to do as he was told. This policy was not only ungenerous, but violated the Proclamation, which had promised there should be no encroachment on the rights of native Princes. The Bond required the Rajas to refer death sentences to a British Officer; to accept a revision of tribute if required; and in all matters to take the advice and obey the instructions of the Chief Commissioner, and particularly to conform to such Forest Regulations as he might be pleased to prescribe. It was the first deliberate breach of the Royal Proclamation.

A Durbar was summoned at Nagpur early in 1866, and eight of the Ruling Chiefs who attended it, flattered at receiving their adoption Sanads, signed the Fealty Bonds, for the most part without reading them, for they had no European advisers. Among them was the Raja of Raigarh who had fought with us against Nagpur. But the Raja of Bastar, who had not only received one of Lord Canning's Sanads, but had a Treaty, read his Bond and refused to sign. He did not realize that he had lost his Treaty; he disliked the idea that his tribute might be varied; and he



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had in his domain some fine teak forests which he did not wish to put at the disposal of the British. His neighbour, the Raja of Kanker, also refused, as his State was exempt from tribute, and in consequence was told that he could not have a Sanad. This treatment so vexed him that he signed the Bond a week afterwards, although to this day Kanker pays no tribute. The Raja of Bastar, however, held out for four years against the encroachment on his rights, and only signed then under pressure, and after a minor modification in the Bond.

Another Commissioner in 1866 was appointed to carry out a similar settlement in Bihar, but the States which had already received Sanads, following the example of Bastar, would not sign away their independence in the Bond. Sir Richard Temple might well have been puzzled by the procedure which had been adopted towards the minor States since they came under our protection, for it reflected the clash between the Directors of the East India Company, who wanted to economize, and their Political Agents who wanted to govern. "While our policy has been reiterated to be the policy of non-interference", he wrote in his Report, "its prevailing principle has been permitted to be that of constant interference". Just as the Superintendents in Orissa had sought, despite the Treaties and engagements, to deprive the hill Rajas of jurisdiction, so in the Central Provinces the Company's Agents had subjected the Chiefs and Zemindars to the British Courts wherever they could. This contradiction was renewed by the Political Department; for the Sanads given to the recognized Chieftains de-

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clared that "the governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated", while the Fealty Bonds gave the power of internal government to the British authorities.

These settlements were in progress for some years. In the west the Government asked Sir Charles Wood in 1864 to examine the position in Kathiawar, and he made it clear that the Chiefs of Kathiawar had received formal assurances from the British that their sovereign rights would be respected. By Colonel Walker's settlement in 1808, confirmed later, we agreed without Treaties to guarantee the full powers of the major States, and defined the status and responsibilities of the smaller ones. Sir Charles Wood, however, had to report that,—just as in Orissa, the Central Provinces, and elsewhere,—in Kathiawar the British administration had engaged in "active and minute interference in the internal administration, without sufficient authority". He recommended the discreet withdrawal by the Government of Bombay from such interventions, which were "unquestionably of a sovereign character". So the Government appointed Colonel Keating to draw up a new classification of the States. His scheme was to arrange the States in seven classes, graded downwards in respect of their powers. The Government were not altogether satisfied with this, but they acted on it.

A circular was accordingly issued from Bombay to the States, prescribing new limits to their jurisdictional powers, which ran counter to some original engagements.

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One result was that a full-powered State, Jasdan, was placed in the third class with limited powers, an act of injustice against which it has been protesting ever since. Nawanagar and other States were also aggrieved at their loss of powers; and the application or otherwise of the new rules to Girassias who were subordinate to major States led to a fifty years' conflict. Another unfortunate result of this ill-balanced attempt to regularize our relations was that some States which originally had sovereign rights are not regarded to-day by the Government as candidates for the Chamber of Princes. The fact is, the archives then were deficient, the Government had far too much work on hand for judicious deliberation, and in many cases throughout India the rights of the minor Princes and Chiefs were settled by rule of thumb and sometimes avowedly on supposition. Sir Charles Aitchison, busily gathering documents at headquarters, took the view that the multiplicity of petty chiefs, and the peculiarity of their tenures necessitated more interference in their affairs in Central India and Malwa than was usual or expedient in Rajputana. Mr. Grant, who only knew the Bengalis, thought the peculiar powers of internal administration enjoyed by the Chota Nagpur States might be reduced or abolished at pleasure. Much was left perforce to the men on the spot.

A Deputy Commissioner, for instance, invests his Assistant Superintendent with powers to appoint and dismiss police in Saraikella. The Commissioner cancels this as improper, but insists that the State should report all criminal offences. The Deputy, in reply, cannot find that

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the Raja has been regularly vested with any powers, adding, "nearly every officer who has been here (Singbhum) has made some objection to the powers exercised, and either passed some new orders regarding it, or, after a little inquiry, let the matter drop". He encloses papers to show how the Rajas had referred many cases in the past to the British. As a matter of fact, between 1838 and 1848, conflicting orders were received by Saraikella from the Agents, one of whom, Colonel Ouseley, tried to lay down a system. So the Commissioner writes to the Deputy:—"The papers you have submitted do not bear out your views of the question; they simply show that up to August, 1838, the chiefs were only required to submit their proceedings in cases of murder, and this was originally the rule in regard to all the Chiefs of the tributary Mahals". This, however, was inaccurate, for the life and death powers of the tributary Mahals of Orissa were acknowledged in Government rulings.

But the Commissioner knew better in 1863. "In Colonel Ouseley's time", he writes, "they were ordered to refer all heinous cases". That, surely, settled the matter. "I have been instructed by Government to draw up rules for guidance of the Political Officers in the exercise of their judicial powers; when promulgated they will apply to the Chiefs of Saraikella and Kharsawan, and in the meantime I see no necessity for making any alteration in the existing order of things". He was autocratic, but also benevolent, refusing to interfere in the State's establishments. So with the other men on the spot, they decided

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the position of the States as best they could on imperfect information. And their practice was, indeed, less rigorous than that of to-day, as is shown in the case of Saraikella, for Lord Curzon in his Sanad of 1899 to this picturesque little State made it subject to the Chota Nagpur Commissioner in all its internal affairs. Yet it was once told that from the word of assurance given the British "never resile".

There is no doubt our Officers felt after the Mutiny that it would conduce to the pacification of the country if the Government could control judicial administration throughout India. But soon there was a further motive, to co-ordinate administration with that of British India. So not only the Indian Penal Code, but the Civil Procedure Code was applied by Commissioners to minor States. In the case of those who had signed Fealty Bonds, the application of British India Acts and Regulations was easy; in other cases what is now called the "inevitability of gradualness" was relied on. The tributary Mahals of Orissa were confused by well meaning Superintendents with the Delta States which had passed under British administration. They may have been misled, partly, by the general acts of supervision which mercy impelled in the terrible famine of 1866, from which Orissa suffered most. Fifteen years after the birth of the Political Department, when the position of the tributary Mahals was investigated in 1875, it was declared that they were exempt from British India regulations on grounds of expediency only, and that there was nothing to preclude their being brought under the ordinary jurisdiction of the Courts "if

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it should ever be thought advisable". Yet some had received Lord Canning's Sanads promising the perpetuation of their rule.

The question of ordinary jurisdiction might be in abeyance, but not so the rights in the domain. The British Commissioners, in imposing their Forest regulations in these remote States, had found that they were the home of elephants. So in 1880 a set of rules was framed by the Political Department and despatched to the Rajas of the Bihar and Orissa Mahals declaring that "the right to elephants" was reserved by Government, and in future no one would be permitted to catch them without a licence from the Superintendent. Mayurbhanj, Dhenkanal, and other States protested, but in vain. A good deal of revenue was involved, for the Government imposed royalties as well as licences, and claimed the right of pre-emption at their own price over half the elephants caught, and over any others of a good size. Killing elephants except in defence was prohibited. Latterly it has been represented that these were necessary inter-State regulations, since elephants roam. The Harcourt Butler Committee seemed to favour this view. The facts, however, are that the Government in the previous year, 1879, had passed in British India an Elephants Preservation Act; that by the rules imposed they applied this Act to those States where lived the largest herds; and that they did so to establish a monopoly in elephants, which are used for Government transport. The Indian elephant, unlike its African cousin, lives among the higher ridges and plateaux, and the primeval forests of certain States,

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like those of Orissa, which offered shelter from the martyrdom of the plains and valleys.

The political machine was helped by the development of the Provinces under our administration, which required from time to time a fresh grouping. Thus, States originally full powered, and only liable to pay tribute, were transferred along with lesser States to another Province, losing status in the process. Then another transfer would take place, to confuse the records. To ravel out the truth is sometimes like the problem of a jig-saw puzzle. The administrators had come to the view when they imposed the elephant rules that the tributary Mahals were not sovereign States at all, and ought to be part of British India. Mayurbhanj had long been classed as a tributary Mahal, and its special Treaty forgotten, and when in 1881 it fell into the hands of a minority Government it was treated as part of British India. An appeal was made to the Calcutta High Court in the following year, in the case of the *Queen Empress v. Keshub Mahajan*, and to the surprise of the Political Department, the Bench decided that Mayurbhanj was an independent State, which was not part of British India, and in which the jurisdiction of our Executive did not run. A prolonged correspondence ensued with the Home Government, for it had been made clear that the position of the other Mahals was involved. The Secretary of State finally decided in 1888 that all the Orissa Mahals were on the same footing as Mayurbhanj, and a special Act was passed some years later to establish this position.

The only appeal, until the States within the last decade have been enabled through the Chamber of Princes to

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consult together, was to the Courts. It has rarely been resorted to, for it seemed to the Princes like an act of defiance. When the Orissa appeal was made the Courts interpreted the Treaty position with justice, and ripped away the cloak of usage which concealed the truth. This was also exemplified, as has been shown, in the Hyderabad railway case brought by Muhammed Yusuf-ud-Din; and in neither instance were the Executive Authorities content to abide by the ruling. In the case of the Orissa Mahals, after the set-back, a judicial officer was immediately appointed to report on the powers of the Rajas, with a view to the issue of fresh Sanads laying down conditions. By the ruling of the Courts Lord Canning's Sanads were applicable, but these did not justify that control of the States which the Department were unwilling to relinquish. The judicial officer's report was frank, recognizing that under the Treaties there was no limit on the power of the Rajas to administer civil and criminal justice. None the less he suggested limitations and restrictions, although he thought there would be opposition, as the Princes now realised that their authority had been encroached upon.

By the time matters were in train Lord Elgin was Viceroy, and in 1894 he issued new Sanads to all the independent Mahals of Orissa, including Mayurbhanj. Similar Sanads were issued later on to States of Chota Nagpur and the Central Provinces. These were not Treaty engagements, but unilateral instruments imposed upon the States. The Sanads required all heinous offences to be referred to the British Superintendent for



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trial, and all sentences in criminal cases to be subject to revision. On internal administration the following comprehensive instruction was given to the Rajas, despite the Sanads of Lord Canning:—

“You shall consult the Superintendent of the Tributary Mahals in all important matters of administration, and comply with his wishes. The settlement and collection of the land revenue, the imposition of taxes, the administration of justice, arrangements connected with Excise, salt and opium, the concession of mining, forest and other rights, disputes arising out of any such concession, and disputes in which other States are concerned, shall be regarded as specially important matters, and in respect to them you shall at all times conform to such advice as the Superintendent of the Tributary Mahals may give you.”

Their sovereignty was gone. Protests and memorials to the Government only evoked other Sanads, in 1908, enforcing the same conditions. And in that year King Edward's Imperial message announced that “the rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded”.

## CHAPTER X

### THE TYRANNY OF WORDS

A chapter on the tyranny of words should be a short one, pointing the way to the Legal Opinion on the constitutional issues. The meanings of paramountcy and sovereignty are there presented with more lucidity than a layman could achieve. But some other words which influence men's thoughts in India deserve examination. Words, even though they be ambiguous or false, often govern our actions. Politicians are prone to think that with a good platform cry they will win their cause; and with a foolish slogan it may be lost. Words with an ambiguous meaning will sway the minds of men if they convey the appeal to sentiment. So it was once with Irish Home Rule, despite its various interpretations.

Swaraj, like Home Rule a rallying cry, also has different meanings. Its usage was discussed in *India in 1922-23*, by Professor Rushbrook Williams, now Chancellor's Secretary to the Chamber of Princes, but then Director of Public information. Swaraj, he wrote, "which had previously been understood to mean self-government, was permitted by Mr. Gandhi to bear a variety of interpretations. It shortly became a mirror of many facets, wherein each section of opinion could behold the image of its own desires. To some it represented Mr. Gandhi's own ideal

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of government of the self. Others read into it Dominion Home-rule; to another party it represented complete independence; yet others interpreted it as Muslim supremacy. Above all, to the masses suffering under a series of bad harvests, it shortly became synonymous with the commencement of a golden age when prices should fall, and taxation cease". In politics a word's capacity to be all things to all men gives it force.

A word which means nothing to anyone, however, is futile as a political symbol. Such a word is Dyarchy. By experience, the working of the system is known to politicians in India, but not to peasants. Dyarchy only figures in our dictionaries as any form of dual government; space does not permit an explanation of the complicated Indian scheme. The clumsy word may well remind us of Hawthorne's comment on the classic call *pro aris et focis*, in connection with the prevalent stove in America. Esteeming men's fight for the altar and the hearth, he refused to consider the possibility of their fighting for a stove. Another obscure word is "self-determination", the fallacious use of which has been pointed out by Sir Reginald Craddock in his *Dilemma in India*; and the misleading application of the phrase "responsible government" has been examined in a previous chapter.

The importance attached to words in India was shown by the Government resolution before the war decreeing that the word Indian must be used instead of "native". It is a decree which I have tried to observe in this book, though it seems impossible to avoid the word native in writing of the past. Then, too, the term Anglo-Indian is

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now officially reserved for Eurasians, while Englishmen in India are "Europeans". The Government of India in this way showed themselves anxious not to offend susceptibilities; but a very different attitude was adopted by their Political Department. As soon as the latter took over the huge Imperial Gazetteers their Officers set to work, not only to "edit" the history of the States, but to diminish the prestige of their rulers. Some of the alterations they have made of words and phrases formerly used by the Government, as well as Viceroys, are petty in the extreme; but they have had an unfortunate effect in India, which is the home of ceremony. The word "Dynasty" is altered to family; "Principality" is deleted; "a close alliance" becomes an agreement; and a "Princess" a Rani's daughter. In the phrase "full governing powers", the word governing is omitted; a Prince is not allowed to "reign"; the offer of sovereignty becomes the offer of a guarantee, or a title; while the word "throne" is sedulously altered to Gaddi or Masnad, which mean the same thing, but do not convey it to a European audience. The drafting of official programmes at Durbars and ceremonies, although not a question of words, has also caused deep offence, for the Department have given Residents and Agents precedence over the Princes to whose Courts they are attached.

These are ways in which our officials alienate sympathy; but there is an outstanding example of a word misapplied in India which has led to more serious consequences. The word feudal or feudatory was first adopted by Lord Ellenborough in his private correspondence with

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Queen Victoria; Lord Canning used it loosely, and soon after his *régime* it was applied to most of the States. Lord Lytton and Disraeli, in both of whom the literary sense was strong, revelled in a word which recalled the days of chivalry. From Disraeli's time dates the theory that when Queen Victoria assumed the Imperial dignity in 1876 a feudal right was transferred to her which was postulated of some phantom Moghal Emperor. Yet there is no historical or reasonable basis in our relations with the States for the feudal analogy which has been enforced.

By our feudal system in England the power of the conqueror, bounded by some reverence for the Church, decided on what tenure men should hold every rood of land. In India we have endeavoured, for the good of the people, to promote land settlements, making several disastrous experiments before we discovered the right way; but the peasants there have never derived their land from us as conquerors. By the feudal system Barons derived lands and authority from the King as their feudal superior; whereas by our Treaties with the allied Princes we recognized their inherent right to govern their subjects. By the feudal system land was given by the lord to the vassal in return for military service. In India we have recruited our army by voluntary methods. Treaties of "subordinate co-operation" were made with the States by Lord Hastings, and the legal submission is that this phrase was concerned solely with military matters and external relations. By their practice the Political Department have twisted this phrase to mean their "arbitrary co-operation" in internal administration; but they are

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still no nearer to any feudal relation. To-day, when the State forces are desired for service in the field, the Government do not call for them as would a feudal superior, they ask if the Princes will offer them.

The "Feudatory States Manuals" issued by the Political Department to their Officers are thus based on a false analogy, although they are used to enforce practices which fundamentally alter the engagements of the Crown with rulers. But although there is no feudal relation between the British Raj and the States, there is something closely akin to it between some of the larger States and their tributaries. The Government of India once ruled that the mere payment of a tribute by a State cannot make it a feudatory. More than tribute, however, is often involved between a suzerain State and its dependent. An example may be taken from the Southern Mahratta States which paid tribute to the Peshwa, the titular head of the Mahratta confederacy, or to his General the Gaikwar. The State of Idar, after the East India Company had by agreement succeeded to such tributes, continued to collect some of them from its Thakurs, handing the money on to the Company, while other Idar tributes for convenience were paid direct to our Agent. When the Thakurs succeeded in the course of nature to their estates they were installed on the throne by the Idar Durbar; the Maharaja of Idar girt the sword of authority round their loins; and they obeyed the Durbar when it summoned them to service. These customs are similar to the homage, fealty and investiture of our feudal system. Later on, the Political Department, though eager to

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assume a fictitious feudal analogy to justify the Bonds of Fealty they imposed, had little respect for this indigenous feudal custom. During a minority administration they seized the estates of the Idar Thakurs whose tribute had been paid direct to our Agent, in spite of Idar's proof of overlordship. Against this rape of territory the State has protested for forty years in vain.

How large a part the feudal fallacy has played in our supervision of Treaties will be realized when it is said that this was the foundation of the Department's claim to control minority administrations, a practice begun under Lord Mayo. Certainly it must be admitted that our control was often productive of good; but this was outweighed when we alienated State rights for all time, or gave extensive concessions to British companies. In one comparatively recent case the finances of a State during a minority were thrown into confusion by our own maladministration. After fifty years the Government of India admitted that many of our practices were indefensible, and laid down the Minority rules of 1917 to avoid them in future.<sup>1</sup> But no effort was made to remedy past injustice. The publication of the Minority rules has not given back the things taken during minorities. It has not restored to Cutch and Sawantwadi their Mints; to Indore lands absorbed by the Residency; to Kishengarh its water supply; to Patiala and Jind their sovereignty over railway territories; or to Idar its jagirdars. Many such things have been done in the name or by the practice of feudalism.

<sup>1</sup> Appendix F.

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One thing lacking in our relations with the Indian States may be suggested by a visit to the India Office in London. The grand staircase is tucked away in a corner of the building, remote from the principal entrance, and has a dingy, neglected look. The light filters down from a dome in the roof, and scarcely suffices to show us Flaxman's benign statue of Warren Hastings. An observer looking upward will note that the dome rests on eight rounded arches, in which, supported by cherubs, are eight caskets. If he mount the stair, he will see that each casket is dedicated to one of the great words in our language. Truth, Justice, Wisdom, Faith, Charity, Prudence, Honour, Courage—these are the mottoes of the India Office, and these are the qualities which in turn have often been shown by Englishmen who have served India. But the word Friendship is not there, and the spirit of friendship has been lacking in our interpretation of Treaties with the Indian States.





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## APPENDIX A

### THE LEGAL OPINION

This is the text of the legal opinion on the constitutional position drawn up at the request of the Ruling Princes by the following English Counsel,—Sir Leslie Scott, K.C., Mr. Stuart Bevan, K.C., Mr. Wilfrid Greene, K.C., Mr. Valentine Holmes and Mr. D. B. Somervell. The case and the arguments were submitted to the Indian States Committee by Sir Leslie Scott, who was retained to represent them by the Standing Committee of the Chamber of Princes. Counsel were asked to advise on the legal and constitutional aspects of the questions raised by the terms of reference to the Indian States Committee.

### OPINION

The terms of reference to the Indian States Committee are as follows:—

(1) to report upon the relationship between the Paramount Power and the States with particular reference to the rights and obligations arising from:—

(a) treaties, engagements and sanads; and

(b) usage, sufferance and other causes

(2) to inquire into the financial and economic relations between British India and the States and to make any recommendations that the Committee may consider desirable or necessary for their more satisfactory adjustment.

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It will be observed that the phrase "Paramount Power" is used in Part I: but as that phrase refers not to the Crown *simpliciter* but to the Crown in possession of certain attributes, we think it will be clearer if we discuss the relationship of the States with the Crown, and express our opinion separately as to the meaning of "paramountcy" in India.

It may be convenient to state our main conclusions first and then give the reasoning on which they are based.

### MAIN CONCLUSIONS

(1) In the analysis of the relationship between the States and the Crown legal principles must be enunciated and applied.

(2) The Indian States to-day possess all original sovereign powers, except in so far as any have been transferred to the Crown.

(3) Such transfer has been effected by the consent of the States concerned, and in no other way.

(4) The consent of a State to transfer sovereign rights to the Crown is individual to that State, and the actual agreement made by the State must be investigated to see what rights and obligations have been created.

(5) Such agreement appears normally in a Treaty or other formal engagement. An agreement to transfer sovereign powers is, however, capable in law of being made informally. In such case the onus is on the transferee, viz., the Crown, to prove the agreement.

(6) The relationship of the Crown as Paramount Power and the States is one involving mutual rights and obligations. It rests upon agreement express or

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implied with each State and is the same with regard to all the States. Paramountcy gives to the Crown definite rights, and imposes upon it definite duties in respect of certain matters and certain matters only, viz., those relating to foreign affairs and external and internal security (a phrase which we employ for brevity and define more fully in paragraph 6, *infra*). It does not confer upon the Crown any authority or discretion to do acts which are not necessary for the exercise of such rights, and the performance of such duties. Wherever "paramountcy" is mentioned in this opinion we mean paramountcy in the above sense and no other.

(7) The relationship is between the States on the one hand and the British Crown on the other. The rights and obligations of the British Crown are of such a nature that they cannot be assigned to or performed by persons who are not under its control.

### LEGAL PRINCIPLES ARE TO BE APPLIED

1. The relationship between the Crown and the various Indian States is one of mutual rights and obligations and we have no hesitation in expressing the opinion that it must be ascertained by legal criteria. When using the word legal, we are not thinking of law in the limited sense in which it is confined to law laid down by an authority which has power to compel its observance, but are dealing with well recognized legal principles which are applied in ascertaining mutual rights and obligations where no municipal law is applicable. That the absence of judicial machinery to enforce rights and obligations does not prevent them from being ascertained by the application of legal principles is well illustrated by reference to

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International relations. There legal principles are applied in arbitrations between independent States, and by the Permanent Court of International Justice, whose Statute provides that the Court shall apply principles of law recognized by all civilized nations.

The Indian States were originally independent, each possessed of full sovereignty, and their relationship *inter se* and to the British Power in India was one which an International lawyer would regard as governed by the rules of International Law. As the States came into contact with the British, they made various Treaties with the Crown. So long as they remained independent of the British power, International Law continued to apply to the relationship. And even when they came to transfer to the Crown those sovereign rights which, in the hands of the Crown, constitute paramountcy, International Law still applied to the act of transfer. But from that moment onwards the relationship between the States and the Crown as Paramount Power ceased to be one of which International Law takes cognizance.

As soon as a Treaty was made between the Crown and a State, the mutual rights and obligations flowing therefrom, and the general nature of the relationship so established could only be ascertained by reference to legal principles. This result has not in our opinion been in any way affected either by lapse of time, or by change of circumstances. Although the Treaty, in any individual case, may have been modified, or extended by subsequent agreement express or implied, there is no ground for any suggestion that the relationship has passed from the realm of law. The effect of the Treaty itself and the extent if any to which it has been modified or extended fall to be determined by legal considerations.

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The view implicit in the preceding observations seems to accord with the terms of reference to the Indian States Committee in which the Secretary of State has directed inquiry. We see no ground for applying to the relationship any other than legal criteria, and we are of opinion that the relationship is legal, importing definite rights and obligations on both sides.

### SOVEREIGNTY RESTS IN THE STATES EXCEPT SO FAR AS TRANSFERRED TO THE CROWN

2. As each State was originally independent, so each remains independent, except to the extent to which any part of the Ruler's sovereignty has been transferred to the Crown. To the extent of such transfer the sovereignty of the State becomes vested in the Crown; whilst all sovereign rights, privileges and dignities not so transferred remain vested in the Ruler of the State. In the result the complete sovereignty of the State is divided between the State and the Crown. The phrase "Residuary jurisdiction" is sometimes used in official language. In our opinion it is the State and not the Crown which has all residuary jurisdiction.

That the sovereignty of the States still exists has been recognized by leading writers on the subject as well as by the pronouncements of the Crown itself.

Thus Lee Warner bases his definition of a State on its possession of internal sovereignty (page 31). Similar views are expressed by others.

That this view is accepted by the Crown can be confirmed by reference to many official documents. As examples we may quote Sanads issued after the Mutiny which refer to "the Governments of the several Princes and Chiefs who now govern their own territories" or the



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Proclamation of the 19th April, 1875, dealing with Baroda in which the Gaekwar Mulhar Rao is deposed from the "sovereignty of Baroda" and the "sovereignty" of the State is conferred on his successor; or reference in the Montagu-Chelmsford Report to the "independence of the States in matters of internal administration" and to "their internal autonomy".

The Crown has no sovereignty over any State by virtue of the Prerogative or any source other than cession from the Ruler of the State. The idea which is held or seems to be held in some quarters that the Crown possesses sovereign rights not so transferred to it by the State is erroneous.

### CONSENT THE SOLE METHOD BY WHICH SOVEREIGN POWERS HAVE BEEN TRANSFERRED FROM EXISTING STATES TO THE CROWN

3. (a) Sovereignty is, as between wholly independent States, susceptible of transfer from one holder to another by compulsory annexation or voluntary cession.

Where a conqueror after victory in war annexes the conquered State, the loss of sovereignty by the defeated State, and the assumption of sovereignty by the conqueror over the territory so transferred is recognized as valid by International Law. The essence of the event is that the conqueror takes, without any act of the vanquished State. It is a mere exercise of power by the conqueror.

Annexation may also be enforced without fighting. Where a stronger State proclaims its intention to annex the territory and sovereign powers of a weaker State, and in fact does so, then, in International Law, the transfer is as effective as if there had been a conquest.

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Cession of sovereignty takes place, when one State cedes territory or sovereign rights to another State. In cession it is not the act of the transferee, but the consent of the transferor, which effects the transfer. But whenever the transfer is the direct result of an exercise of power, it is in essence a case of annexation, in whatever form the transfer may be expressed—as, for instance, where the transfer takes the form of a cession, which a defeated State is compelled to execute. Indeed whenever the transferor State acts under the compulsion of the stronger transferee State, the transfer made by the transferor is not really the free act of that State, but a mere taking by the transferee State—an annexation in reality though not in form. A real cession, *i.e.*, a transfer which is really the act of the transferor, necessarily depends upon the free consent of the transferor, and is essentially a product of voluntary agreement.

3. (*b*) In this section of our Opinion we have up to now been dealing with transfer of territory, or sovereign rights as between independent States, whose relations are subject to the rules of ordinary International Law. But our conclusion, that in that field consent is essential to every transfer, which is not in essence a forcible taking by the more powerful State, is even more true of a transfer to the Crown by an Indian State at any time after it had come into permanent contractual relationship with the Crown by agreeing to the paramountcy of the Crown in return for its protection. For, where the relationship is thus created by an agreement which, by its express or implied terms, defines the permanent division between the Paramount Power and the Indian Ruler, of the sovereignty over the State's territory, any further act of acquisition of sovereign rights, by force or pressure, is

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excluded by the contract itself. In order to acquire any further sovereign rights the Paramount Power must ask for, and obtain the agreement of the protected State. To take them by force or pressure would be a direct breach of the contract already made.

This position is frankly acknowledged by the Crown. We quote in the Appendix some of the chief historical pronouncements which have been made upon the British attitude towards the Indian States.

The possibility in law of the Paramount Power repudiating its legal relationship with its dependent State, and using force or pressure to acquire powers over it, in breach of the contractual terms, need not be considered. The pronouncements, which we have cited, put any conscious attempt of the kind wholly out of the question; and the exercise in fact of force or pressure, whether intended or not, would be a breach of the contract. It follows that the relationship of each State to the Crown is, and has been since the time of the first Treaty between the two, purely contractual.

In this context it is to be noted that from those States which have never ceased to exist as States, the Crown has never claimed any rights as flowing from conquest or annexation. Where the Crown has intended to annex its action has been unequivocal.

Many Indian States have in the past been conquered and annexed. They were then merged in British India, and ceased to exist. Some were annexed by an exercise of superior power without the use of force.

In a few cases States have been annexed and wholly merged in British India, and then re-created by the prerogative act of the Crown. In such cases the Crown is free to grant what powers of sovereignty it chooses, and

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the sovereignty of the Ruler to whom rendition is made is limited and defined by the conditions of the grant.

But when once a State has been in fact re-created, and a contractual relationship established between it and the Crown, it becomes thenceforth subject to the same considerations as other States in contractual relationship with the Crown, and mutual rights and obligations are determined by the contract, and by that alone.

### *Other Suggested Methods of Transfer*

3. (c) At this point it is convenient to consider the methods alternative to that of consent, which have been suggested by leading jurists and others, for effecting a transfer from a State to the Crown of sovereign rights.

Sir William Lee Warner suggests five channels as contributing to the rights or duties of the Indian Princes: (i) the Royal Prerogative, (ii) Acts or Resolutions of Parliament, (iii) the law of nature, (iv) direct agreement between the parties, and (v) usage. With regard to the first two suggested channels or—to use a word which seems to us to be more appropriate—*sources* of rights and duties, we are quite unable to find any legal principle on which it is possible to base a contention that either (i) the Royal Prerogative or (ii) Acts or Resolutions of the British Parliament can give to the Crown any rights against the States or impose any obligations upon them.

(i) In the case of the Royal Prerogative, Sir William Lee Warner does not himself explain how it can be effective to bind the Indian States; and we are forced to the conclusion that he was driven to suggest the Royal Prerogative, as a source of rights and duties which he believed to exist, because he could think of no other.

(ii) With regard to Acts of Parliament, Sir William Lee

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Warner does not appear to assert that they have the direct effect of creating obligations in the Indian Princes. In so far as he suggests that the Statutes of the British Parliament, which control British subjects, may have an indirect reaction, in fact, on Indian States, with whom British subjects have dealings, or that Acts of Parliament may influence Indian Rulers in a particular direction, we agree with him; but this is a very different thing from his proposition that Acts of Parliament are one of "the five channels" from which flow the duties and obligations of the Indian States.

(iii) His third suggested source, namely, the law of nature, he puts forward as the source of an obligation to refrain from inhuman practices, such as suttee, infanticide or slavery. Whether there be an obligation of the kind, we express no opinion; but if there be, it is a duty to the civilized world, and we can see no ground for treating it as any special obligation owed to the Crown as such. Indeed the history of the dealings of the Crown with the States, with regard to practices of this kind, apparently shows a recognition by the Crown that their suppression can only be secured by negotiation and agreement, and not by virtue of any right of interference.

(iv) With regard to the fourth source of obligation suggested by Sir William Lee Warner, namely, direct agreement between the parties, we agree with him as above stated.

(v) Sir William does not define what he means by usage, his fifth source; if he meant an acquiescence in a practice in such circumstances that an agreement to that practice is to be inferred, we should agree with him, because his fifth source would merely be a particular form of agreement. But Sir William seems to regard usage as a source

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of obligation even though agreement be absent, and with this view we disagree. We discuss the topic later in our Opinion.

It is to be observed that Sir William Lee Warner is definitely of the view that the Indian States are sovereign States; and it is only in regard to the view which he takes as to the extent to which and the way in which their sovereignty has been limited, that we part company with him.

Hall deals with the question of the limitation on the sovereignty of the States in a footnote (*Hall's International Law*, 8th Ed., p. 28). He suggests an explanation, different from any put forward by Sir William Lee Warner, for the limitation which he believes to exist over and above the limitation imposed by treaty. He says that, in matters not provided for by treaty, a "residuary jurisdiction is considered to exist, and the Treaties themselves are subject to the reservation that they may be disregarded, when the supreme interests of the Empire are involved, or even when the interests of the subjects of the Native Princes are gravely affected. The Treaties really amount to little more than statements of limitation which the Imperial Government, except in very exceptional circumstances, places on its own action". In dealing with this suggestion of a residuary jurisdiction, we experience the same difficulty that we felt in dealing with Sir William Lee Warner's suggestion of the Royal Prerogative and Acts of Parliament as sources of obligation on the States towards the Crown, namely, that we can conceive no legal justification for inferring the existence of such a residuary jurisdiction. Moreover, Hall does not indicate what reasoning led him to draw the inference. But we are clearly of opinion that Hall's view,

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as expressed in his footnote, is wrong. The statement that the Treaties are merely unilateral acts of the Crown, setting a self-imposed limit on its inherent powers over the States, cannot in our opinion be supported. The assumption that there are any such inherent powers is devoid of any legal foundation,—indeed, his assertions in the footnote go beyond anything which the Crown has ever claimed, and are quite inconsistent with the various formal pronouncements of the Crown, cited in the Appendix to this Opinion. Those pronouncements leave no room for doubt, that the Crown regards its Treaties and Agreements with the Indian States as binding upon it, in as full a manner as any of its Treaties with other sovereign States.

3. (*d*) Before we pass from this subject there is one other matter with which we ought to deal. Three of the writers of this Opinion have in an earlier Opinion expressed the view that paramountcy is a factor limiting the sovereignty of the States. At first sight this view may seem to be incompatible with the opinion, which we have expressed above, that agreement is the sole source of limitation upon the sovereignty of the States, and that obligations of the States towards the Crown are created by agreement and by nothing else. But in truth there is no such incompatibility. The Crown is aptly described as the Paramount Power, because the States have *agreed* to cede to it certain important attributes of their sovereignty, and paramountcy is a useful word to describe the rights and obligations of the Crown, which arise out of the agreed cession of those attributes of sovereignty. So understood paramountcy can properly be said to be a “factor limiting the sovereignty of the States”. But inasmuch as this is only to say that the agreement of the States to cede

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attributes of sovereignty is a factor limiting their sovereignty, we think that to introduce the word paramountcy (as we did in our earlier Opinion) in this connection was confusing and apt to mislead. It is to be observed that Sir William Lee Warner avoids the use of it and does not include paramountcy in the list of "channels" through which in his view rights and obligations are created. He uses paramountcy only to describe the relationship itself, and this use is correct.

In our considered view there is a real danger in a loose use of the word. In its correct sense paramountcy is not a factor in creating any rights or obligations, but is merely a name for a certain set of rights when vested by consent in another Sovereign State. Incorrectly understood it may be treated as creating rights and obligations; and as the word paramountcy itself is not a word of art with a defined meaning, the rights and obligations attributed to it would be undefined. If paramountcy were a source of rights, there would be no limit, save the discretion of the Paramount Power, to the interference with the sovereignty of the protected States by the Paramount Power. Indications of this misunderstanding of paramountcy are, we are informed, present in official correspondence with individual States, and this fact gives the point importance. We regard the idea that paramountcy, as such, creates any powers at all, as wholly wrong, and the resort to paramountcy, as an unlimited reservoir of discretionary authority over the Indian States, is based upon a radical misconception of what paramountcy means.

The existence of a general discretionary authority is, moreover, wholly inconsistent with the pronouncements of the Crown to which we have already referred.

3. (e) We have given at some length our reasons for our



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opinion that the sovereignty of the States is limited by agreement, and by nothing else, because we think that this is the most important of the questions which we have to consider.

### STATES TO BE CONSIDERED SEPARATELY

4. The consent to the transfer to the Crown of any sovereign powers is the consent of each individual State given by its sovereign. Each State, and each occasion of transfer must be considered separately, in order to find out what the agreement was by which the consent of the State was given to any particular cession.

This legal conclusion not only is of general importance for the purpose of correcting a too common misconception, that the problem of the States can be disposed of by general propositions applicable to all alike, but introduces a practical difficulty in the writing of this Opinion. There are many individual differences in regard to the terms of the consensual relationships of the several States to the Crown; and the relationship may be constituted by one, or by several agreements. In this Opinion we must content ourselves with a statement only of reasons and conclusions of general application.

We have noted a common view which seems to us fallacious. It is that the possession by the Crown of certain rights of sovereignty over State A, of itself justifies a legal conclusion that the Crown has a similar right over a neighbouring State B. If we are right in the view which we hold (and we hold it confidently), that the relation between the Crown and A, and between the Crown and B, is in each case regulated by a separate contract or set of contracts, it follows necessarily that the view so expressed is a fallacy. But this crude form of the

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fallacy is less common than the view that because the Crown enjoys a certain right in regard to many States, a legal conclusion necessarily follows that it possesses the right generally in regard to all States. This argument is equally fallacious, because in our view the relationship is one of contract.

It should, however, be borne in mind that if the Crown has a certain right, clearly established and publicly recognized, in regard to a group of States, their example may not improbably influence a neighbouring State to follow suit, and enter into its own individual contract with the Crown, ceding the same kind of rights. And the more general and notorious the Crown's possession of the right in question is, the less improbable it will be that our hypothetical State should consent to be on the same footing without insisting on the execution of a formal instrument. Where this happens the Crown, in the result, possesses a right in regard to that State similar to that which it already possesses in regard to the others; but the reason is that that State has, by conduct, made its own tacit agreement with the Crown, conferring the same powers; it is not because any such sovereign rights, extending all over India, are inherent in the Crown.

In this connection a further reference is necessary to the question of paramountcy, which gives point to the views which we have expressed above. The Crown is in relation to all the States the Paramount Power. Its position as such is universally recognized, and cannot be disputed. From this relationship, which, as we have already pointed out, is itself based on agreement express or implied, certain mutual rights and duties arise. What those rights and duties are we discuss later in this Opinion (*infra*, paragraph 6). It is sufficient to state here that they

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relate to foreign affairs, and the external and internal security of the States. Paramountcy bears the same meaning in relation to all the States, although the precise manner in which it is put into operation in any given circumstances may differ. In this sense, and in this sense only, can it be said that the position of all the States *vis-à-vis* the Crown is the same. But it is the same not because the Crown has any inherent residuary rights, but because all the States have by agreement ceded paramount rights to the Crown.

AGREEMENT TRANSFERRING SOVEREIGN RIGHTS NORMALLY EXPRESSED IN TREATY, THOUGH CAPABLE OF BEING MADE INFORMALLY: BUT ONUS OF PROOF THEN ON TRANSFEREE, *i.e.*, THE CROWN

5. (a) When one State makes an agreement with another State affecting its sovereignty, and thereby does an act of great public importance, it is usual to put the agreement into solemn form, in order to have an unimpeachable record, and to ensure that the signatories are properly accredited to bind their respective States.

5. (b) It is no doubt true that both in International Law, as between independent States, and in the law applicable to the relations of the Crown and Indian States, it is possible that an agreement effecting a cession of sovereign rights should be made informally by a mere written agreement or correspondence: and even that it should be made by word of mouth at an interview. But if so important a transaction as a cession of sovereign rights is alleged to have been carried out informally, the language used, and the surrounding circumstances must be scrutinized with care, to see, firstly, whether the transaction is really an agreement to transfer sovereign rights,

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or something less important; and secondly, whether the authority of the signatory to bind his State is beyond doubt. That such a transaction should be carried out by a mere oral interview is so unlikely as in itself to raise doubts as to the value of the evidence.

### *Sanads*

5. (c) Its Terms of Reference request the Indian States Committee to report upon *inter alia* the effect of Sanads upon the relationship of the States to the Paramount Power. The word "sanad" (in older documents often spelt "sunnad" as it is pronounced) is, as we are informed, in common use in India, not only for diplomatic instruments of grant, but in ordinary commercial documents, and receipts for money, and means merely "evidence" or "record".

But whatever be the correct signification of the word, we realize that in political parlance it is used generally as indicating a grant, or recognition from the Crown to the Ruler of a State.

But a Sanad by way of grant can have no operative effect as a grant, if the grantee already has the powers which the Sanad purports to grant. It could only have that effect if the grantee State had, at some previous date in its history, ceded to the Crown those very powers which, or some of which, the Sanad purports to grant; or if it were a case of a re-creation out of British India of a lapsed State, or a cession to an existing Ruler of territory which at the date of the Sanad was a part of British India.

Similar considerations apply to a Sanad by way of recognition. If the State does not possess the right, the recognition would be construed as a grant; but if it does possess

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the right, then the Sanad is a mere acknowledgment, or admission by the Crown.

It follows also from the reasoning of this Opinion that the machinery of a Sanad cannot be used so as to curtail the powers of a Ruler. *Ex hypothesi* each particular State possesses, at any given moment, a measure of sovereignty which is definite. It will in every case be less than complete sovereignty, because the State must have given up those rights which constitute paramountcy: and it may also, by particular agreements with the Crown, have given up other sovereign rights—either many or few. But after deducting all these cessions from the total of complete sovereignty, it is plain that the State still possesses “*x*” rights. Whatever “*x*” may be, no part of “*x*” can be taken away from it against its will—and the Crown cannot do indirectly by a Sanad which purports to define the rights of the State, what it cannot do directly. If the Sanad defines the State’s rights as wider than “*x*”, then to the extent of such excess it may be construed as a grant by the Crown. But if the definition is narrower than “*x*”, then to the extent of the restriction the Sanad will be inoperative. The effect of the ordinary Sanad may perhaps be expressed shortly by saying that, leaving aside the exceptional cases where the Crown is making a new cession of sovereign rights, it is nothing more than an act of comity, expressing a formal recognition by the Crown of powers of sovereignty which a State in fact possesses.

We need only add that where a Sanad is issued by the Crown in circumstances showing that it represents an agreement with the State concerned, then it is in fact the record of the agreement, and will have the operative effect of an agreement.

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### *Usage, Sufferance and other Causes*

5. (d) (i) *Usage*.—The subject of “usage” looms large in discussions of the rights of the Crown over the States, because it is supposed by many to be in itself a source of sovereign rights. This idea is erroneous.

“Usage” is an ambiguous word. It has one sense or one set of attributes in International Law, and another in municipal Law. In the former, “usage” means the practice commonly followed by independent nations; and has the binding character of a rule of law, because it represents the consensus of opinion amongst free and independent nations.

But the characteristic relationship between nations, which in International Law gives to usage its legal efficacy, is absent from India. The Indian States are not in the International sense independent, but protected by the British Crown; they are not free *inter se* to follow what practices of interstatal relations may seem good to them, and thereby to form and exhibit a consensus of opinion on any particular usage; for they have, by the very terms of their basic agreement with the Crown, given up the rights of diplomatic negotiation with, and of war against or pressure upon other Indian States, and have entrusted to the Crown the regulation of their external relations, in return for the Crown’s guarantee that it will maintain in their integrity their constitutional rights, privileges, and dignities, their territory and their throne. No consensus of opinion as amongst free and independent nations can therefore even begin to take shape, and without it the source of obligation in the International relationship cannot arise.

In Municipal Law usage is of itself sterile; it creates

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neither rights nor obligations. It is true that a course of dealing between two parties may be evidence of an agreement to vary some existing contract, *sc.*, if it represents a tacit but real agreement between them, that notwithstanding the express terms of that contract they will be bound by the practice which they have been used to follow. In such a case the usage becomes embodied in a fresh, though tacit and unwritten, agreement, but it is not the usage itself, it is the agreement underlying it, which gives rise to the new rights.

And we should add that the inference that a new agreement has thus been made cannot be lightly drawn. There is a vital distinction between acquiescence by A in acts which involve a departure by B from the existing contract between them, and an agreement by both to a variation of the contract, so that B shall in future have the right to do those acts, whether A acquiesces or not. We use the word "variation" designedly, because the sovereignty of the States remains in them, save in so far as it has been ceded by Treaty or other agreement, and any further diminution of the sovereign rights of the State must constitute a variation of the existing contract so contained in the Treaty or other agreement.

We recognize that there are in other fields of human affairs occasions when usage as such may acquire the binding force of law, but they are, in our opinion, irrelevant to the matters under consideration. For instance, we disregard the case of usage as an historical origin of rules of the common law of a country, because the history of British relations with the States leaves no room for the birth and growth of a common law. For analogous reasons we see no relevance in usages such as have led to the growth of the Cabinet system in the unwritten Con-

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stitution of Great Britain, or have set Parliamentary limitations upon the Royal Prerogative.

In fine we see no ground upon which there can be imputed to usage between an Indian State and the Crown any different efficacy from that which may be attributed to it by Municipal Law between individuals. It follows therefore that *mere* usage cannot vary the Treaties or agreements between the States and the Crown, because of itself it does not create any new right or impose any new obligation. Acquiescence in a particular act or a particular series of acts *prima facie* does nothing more than authorize the doing of those particular acts on the particular occasions when acquiescence was so given. It is legally possible that behind the usage there should in fact be an agreement dealing with rights, but it is important to realize the limitations within which it is permissible to infer such an agreement, viz., that no agreement can underlie usage, unless both the contracting parties *intend* to make one.

And where an agreement is not made plain by incorporation in a written instrument which can be read and understood, it is important to avoid confusion of thought as to the subject matter. A licence to the Government of India to do a particular act on one or more occasions, which without leave would be an encroachment upon the State's sovereignty, is not an agreement to cede sovereign powers. And no inference of an agreement to cede sovereignty can be drawn from one or from many such licences. The very fact that a licence is sought shows a recognition by the Crown that it does not possess the sovereign power to do the act without the consent of the Ruler concerned. And it is obvious that a licence of the kind is much more likely to be given informally than a



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cession of sovereignty. It follows therefore that, unless the circumstances viewed as a whole compel the inference that the Parties were intending to make an agreement changing their sovereign relationship, the usage cannot alter their rights. And on this question of fact, it should be borne in mind that the Crown and the States have acted in a way which shows that this view has really been taken by both. In the case of many States there exists a whole series of treaties and engagements, regulating many aspects of their relationship by express provision. Where express contractual regulation thus extends in many directions over the field of political contact, there remains little room for implying tacit agreement.

Similarly where it is sought upon evidence of conduct to found an allegation of "usage", and from that usage to imply an agreement, if the facts disclose protests by the State or any other evidence negating an intention to make such an agreement, the very basis of the claim is destroyed. It is perhaps pertinent to observe that where a political practice is said to amount to a usage followed as between the Crown and a State or States, and that practice began with some act of the Government of India during a minority or other interregnum when the State was under British administration, there is an additional obstacle to the inference from the usage of any intention by the State to make any agreement affecting its sovereignty.

It follows from the whole reasoning of this Opinion that the only kind of "usage" in connection with the Indian States which can even indirectly be a source of sovereign powers, is not a usage common to many States as is the case in International law, but a course of dealing between a particular State and the Crown of a kind which

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justifies an inference of an agreement by that State to the Crown having some new sovereign power over the State. We may also add that a "political practice" as such has no binding force; still less have individual precedents, or rulings of the Government of India.

When we speak of the possibility of inferring an agreement from usage, we desire to point out that such an agreement can only be inferred as against the particular State which was party to the usage, and cannot extend to bind any other State. This caution should be observed even where some other State has been following the identical usage. In the case of State A evidence of facts beyond the usage itself may conceivably justify the inference of agreement; in the case of State B such additional evidence may be absent.

(ii) *Sufferance*.—The word "sufferance" means "acquiescence"; and may either amount to a consent to particular acts, or particular things, or be of such a character, and given in such circumstances as to justify the inference of an agreement. From the legal point of view its efficacy is no greater, and no less, than that of usage, and it is in principle covered by what we have said about usage. If there be any difference, it is rather that the word seems to exclude the idea of two-sided agreement.

5. (e) The ordinary rule that the burden of proof is upon the person who is propounding the existence of an agreement applies, in our view, in the case of the States and the Crown, with as much force as it applies to the case of individuals whose relations are governed by municipal law.

### PARAMOUNTCY

6. (a) We have already (*supra*, paragraph 3 (d)) discussed certain aspects of paramountcy and have expressed

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the opinion that the relationship is founded upon agreement, express or implied, existing in the case of all the States, and that the mutual rights and duties, to which it gives rise, are the same in the case of all the States. In order to ascertain what these mutual rights and duties are it is necessary to consider what are the matters in respect of which there has been a cession of sovereignty on the part of all the States.

6. (b) The gist of the agreement constituting paramountcy is, we think, that the State transfers to the Crown the whole conduct of its foreign relations—every other State being foreign for this purpose—and the whole responsibility of defence; the consideration for this cession of sovereignty is an undertaking by the Crown to protect the State and its Ruler against all enemies and dangers external and internal, and to support the Ruler and his lawful successors on the throne. These matters may be conveniently summarized as and are in this Opinion called “Foreign relations and external and internal security”. We can find no justification for saying that the rights of the Crown in its capacity as Paramount Power extend beyond these matters. The true test of the legality of any claim by the Crown, based on paramountcy, to interfere in the internal sovereignty of a State must we think be found in the answer to the following question: “Is the act which the Crown claims to do, necessary for the purpose of exercising the rights or fulfilling the obligations of the Crown in connection with foreign relations and external and internal security?” If the claim be tested in this way, its legality or otherwise should be readily ascertainable. These matters do not fall within the competence of any legal tribunal at present existing; but if they did, such a tribunal when in pos-

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session of all the facts would find no insuperable difficulty in deciding the question.

We do not propose in this Opinion to discuss particular cases in which a claim by the Paramount Power to interfere with the internal sovereignty of a Ruler would be justified on the principle which we have enunciated. There are certain cases, as for example such misgovernment by the Ruler as would imperil the security of his State, in which the Paramount Power would be clearly entitled to interfere. Such an interference would be necessary for the purpose of exercising the Crown's rights, and fulfilling its obligations towards the State. But in this Opinion we are dealing rather with principles than their application; and an enumeration of cases in which interference would appear to be justifiable would be out of place. It would be equally out of place for us to try to particularize as to what acts of interference would be proper, in cases where some amount of interference was admittedly justifiable, beyond saying that the extent, manner and duration of the interference must be determined by the purpose defined in our question above.

6. (c) We have already stated and we repeat that the position of Great Britain as Paramount Power does not endow it with any general discretionary right to interfere with the internal sovereignty of the States. That in certain matters the element of discretion necessarily enters, is no doubt true. Thus in the case of a national emergency the Crown must temporarily be left with some measure of discretion for the common protection of all. But this is due to the fact that the right and duty of the Crown under the paramountcy agreement to defend the States necessarily involve such a discretionary element. It is a very different thing to say that, in case of a difference

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arising between the Crown and a State, the Crown by virtue of its paramountcy has a general discretion to overrule the objections of the State. Whether or not it is entitled to do so must depend not upon the discretion of the Crown, but upon the answer to the question of fact set out in the last sub-paragraph.

6. (d) So far as we can judge, there is no evidence of the States generally agreeing to vest in the Crown any indefinite powers or to confer upon it any unlimited discretion. The existence in certain parts of the field of paramountcy of such a discretionary element as is referred to above is no ground for presuming an intention to confer a similar discretionary authority in any other fields, such as, for example, commercial or economic matters. Indeed, the history of most States discloses numerous occasions on which the Government of India, in order to get some action adopted within or affecting a State, has sought and obtained the consent of the State to a particular agreement for the purpose, thus showing a recognition by the Crown that its powers are limited and that it cannot dispense with the consent of the State.

6. (e) Our opinion that the rights and duties arising from paramountcy are uniform throughout India carries with it the resultant view that the Crown, by the *mere fact of its paramountcy*, cannot have greater powers in relation to one State than it has in relation to another. The circumstance that a State has, by express or implied agreement, conferred upon the Crown other specific powers, does not mean that the paramountcy of the Crown has in relation to that State received an extension. Much less can it mean that it has by such an agreement received such an extension in relation to other States, which were not parties to the agreement. The rights so

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conferred on the Crown arise from the agreement conferring them, and not from the position of the Crown as Paramount Power.

6. (f) The Crown has, by the mere cession to it of paramountcy, acquired no right to control the independent action of any State in matters lying outside the special field so ceded. Outside the subjects of foreign relations and the external and internal security of the State, each State remains free to guide its actions by considerations of self-interest, and to make what bargain with the Government of India it may choose. There is no legal or constitutional power in the Government of India, or its officers, nor in the Viceroy or the Political Department, to insist on any agreement being entered into by a State. Nor is there any legal basis for a claim that any State is under a duty to co-operate, in matters outside the field of paramountcy, with British India. The phrase "subordinate co-operation" which appears in some treaties (*e.g.*, the Udaipur Treaty of 1818) is concerned, in our opinion, solely with military matters.

It follows from this ascertainment of the legal position, that in a large field of subjects, such as fiscal questions, and the commercial and industrial development of India as a whole, it is within the rights of each State, so far as paramountcy is concerned, and apart from special agreement, to remain inactive, and to abstain from co-operation with British India. In many directions the legal gap may have been bridged by particular agreements between individual States and British India; but such agreements may fall short of what is, or may hereafter become, desirable in the common interest of the development of India as a whole, or may need revision. It is therefore important to draw attention to the fundamental

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legal position, that if on political grounds the co-operation of the States is desired, their consent must be obtained. The converse proposition is equally true. Outside the matters covered by paramountcy, and in the absence of special agreement, no State is entitled to demand the assistance of the Crown to enforce the co-operation of British India in the performance of those acts which the States may consider desirable from their point of view.

6. (*g*) The rights of any given State being defined by its agreement with the Crown, it follows that the Crown has no power to curtail those rights by any unilateral act.

For the same reason it is impossible for Parliament in Great Britain, by means of legislation, to curtail any rights of the States. The Crown cannot break a 'Treaty with the concurrence of the Lords and Commons any more than without their concurrence.

Similarly, the Legislature of British India is equally unable to impose upon the Ruler of a State any obligation which under its agreements with the State the Crown is not authorized to impose.

6. (*h*) It is a necessary consequence of the conclusions expressed above that the relationship of paramountcy involves not merely a cession of sovereignty by each State, but also the undertaking of definite obligations by the Paramount Power towards each State. This aspect of the matter will not be disputed.

The duties, which lie upon the Crown, to ensure the external and internal security of the States, and to keep available whatever armed forces may be necessary for these purposes, are plain.

Similarly, the fact that the States, by recognizing the paramountcy of the Crown, have abandoned the right to settle, by force of arms, disputes which may arise between

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them, clearly imposes upon the Crown the duty either to act itself as an impartial arbiter in such disputes, or to provide some reasonably just and efficient machinery of an impartial kind for their adjustment, and for ensuring compliance with any decision so arrived at.

We should add that such an implied obligation on the Crown must carry with it the corresponding implication of such obligations on each State as may be necessary to make the machinery effective.

6. (i) The question also arises whether there is any obligation upon the Crown analogous to that described by us in the last sub-paragraph in a case where the dispute is between a State and the Government of India. We recognize that this question is one of great practical importance to the States. We are instructed that a complaint made by a State against the Government is decided by the Government, on a mere written representation, without any of the opportunities afforded by ordinary legal procedure for testing the opposite side's arguments and evidence; that the material on which the decision is based is kept secret, and finally, that on many occasions of dispute, in the view of the Princes and Chiefs, the Government of India is both party and judge in its own case.

We have considered this matter, but we are of opinion that, disregarding all political considerations, there is no legal obligation upon the Crown to provide machinery for independent adjudication. Each State, when ceding paramountcy, obtained from the Crown by agreement certain undertakings, express or implied, but in our view this was not one, and cannot be implied. The States merely relied upon the Crown to carry out its undertakings.



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6. (j) Whenever for any reason the Crown is in charge of the administration of a State or in control of any interests or property of a State, its position is, we think, in a true sense a fiduciary one. That a trustee must not make a profit out of his trust, that a guardian in his dealings with his ward must act disinterestedly, are legal commonplaces, and afford a reliable analogy to the relationship between the Paramount Power and the States. Upon this view the Crown would not be justified in claiming the right as Paramount Power for example to override the rights of a State in the interest of British India. Such a claim would, in our view, be indefensible on the ground last mentioned, and also because it would involve the extension of the conception of paramountcy beyond the limits which we have defined above.

### THE NATURE OF THE RELATIONSHIP

7. The terms of reference to the Indian States Committee raise another question, to the legal aspect of which we have given careful consideration, namely, the nature of the relationship between the Paramount Power and the States, having regard particularly to the parties between whom the mutual rights and obligations subsist and the character of those rights and obligations. Our views may be summarized as follows:—

(i) The mutual rights and obligations created by Treaty and agreement are between the States and British Crown. The Paramount Power is the British Crown and no one else; and it is to it that the States have entrusted their foreign relations and external and internal security. It was no accidental or loose use of language when, on the threshold of dealing with the subject of the Indian States, the Montagu-Chelmsford Report described the relation-

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ship as a relationship to the British Crown; for the Treaty relations of the States are with the King in his British or, it may be, in his Imperial capacity, and not with the King in the right of any one of his Dominions. The contract is with the Crown as the head of the Executive Government of the United Kingdom, under the constitutional control of the British Parliament.

(ii) The States cannot dictate to the Crown the particular methods by which, or servants through whom the Crown should carry out its obligations. The Secretary of State, the Viceroy and the present Government of British India are the servants chosen by the Crown to perform the Crown's obligation to the States. So long as those obligations are being fulfilled, and the rights of the States respected, the States have no valid complaint. This liberty is necessarily subject to the condition that the agency and machinery, used by the Crown for carrying out its obligations, must not be of such a character as to make it politically impracticable for the Crown to carry out its obligations in a satisfactory manner.

(iii) The obligations and duties which the parties to the Treaties have undertaken require mutual faith and trust, they demand from the Indian Princes a personal loyalty to the British Crown, and from the British Crown a continuous solicitude for the interests of each State; and they entail a close and constant intercourse between the parties.

In municipal law, contracts made in reliance on the personal capacity and characteristics of one party are not assignable by him to any other person. We regard the position of the Crown in its contracts with the States as comparable. Not only is the British Crown responsible for the defence and security of the States and the con-

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duct of their foreign relations, but it has undertaken to discharge these duties itself for the States. The British Crown has this in common with a corporation, that by its nature it must act through individuals; but where it has undertaken obligations and duties, which have been thus entrusted to it by the other contracting party in reliance on its special characteristics and reputation, it must carry out those obligations and duties by persons under its own control, and cannot delegate performance to independent persons, nor assign to others the burden of its obligations or the benefit of its rights. So the British Crown cannot require the Indian States to transfer the loyalty, which they have undertaken to show to the British Crown, to any third party, nor can it, without their consent, hand over to persons who are in law or fact independent of the control of the British Crown, the conduct of the States' foreign relations, nor the maintenance of their external or internal security.

LESLIE SCOTT.  
STUART BEVAN.  
WILFRID GREENE.  
VALENTINE HOLMES.  
D. B. SOMERVELL.

*24th July, 1928.*

## APPENDIX B

### THE ROYAL PROCLAMATIONS

*Extract from Queen Victoria's Proclamation, 1858*

"We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the Honourable East India Company are by Us accepted and will be scrupulously observed; and We look for the like observance on their part. We desire no extension of Our present Territorial Possessions; and while We will admit no aggression upon Our Dominions or Our rights to be attempted with impunity, We shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of Native Princes as Our own; and We desire that they, as well as Our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good Government."

*Extract from King Edward VII's Coronation Message, 1903*

"To all My feudatories and subjects throughout India, I renew the assurance of My regard for their liberties, of respect for their dignities and rights, of interest in their advancement, and of devotion to their welfare, which are the supreme aim and object of My rule, and which, under the blessing of Almighty God, will lead to the increasing prosperity of My Indian Empire, and the greater happiness of its people."

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*Extract from King Edward VII's Imperial Message, 1908*

"The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded; and the loyalty of their allegiance has been unswerving."

*Extract from King George V's Speech at the Delhi  
Coronation Durbar, 1911*

"Finally, I rejoice to have this opportunity of renewing in My own person those assurances which have been given you by My revered predecessors of the maintenance of your rights and privileges and of My earnest concern for your welfare, peace, and contentment.

"May the Divine favour of Providence watch over My people and assist Me in My utmost endeavour to promote their happiness and prosperity.

"To all present, feudatories and subjects, I tender Our loving greeting."

*Extract from King George V's Proclamation, 1919*

"I take the occasion again to assure the Princes of India of my determination ever to maintain unimpaired their privileges, rights and dignities."

*Extract from King George V's Proclamation, 1921*

"In My former Proclamation I repeated the assurance given on many occasions by My Royal predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

## APPENDIX C

### THE STATES IN THE CHAMBER OF PRINCES

The following are the States directly represented in the Chamber, with their salutes:—

#### *Salutes of 21 Guns*

Baroda, Gwalior, Hyderabad, Jammu and Kashmir, Mysore.

#### *Salutes of 19 Guns*

Bhopal, Indore, Kolhapur, Travancore, Udaipur (Mewar).

#### *Salutes of 17 Guns*

Bahawalpur, Bharatpur, Bikaner, Bundi, Cochin, Cutch, Jaipur, Jodhpur (Marwar), Karauli, Kotah, Patiala, Rewa, Tonk.

#### *Salutes of 15 Guns*

Alwar, Banswara, Datia, Dewas (Senior Branch), Dewas (Junior Branch), Dhar, Dholpur, Dungarpur, Idar, Jaisalmer, Khairpur, Kishengarh, Orchha, Partabgarh, Rampur, Sikkim, Sirohi.

#### *Salutes of 13 Guns*

Benares, Bhavnagar, Cooch Behar, Dhrangadhra, Tripura, Jaora, Jhalawar, Jind, Junagadh (or Junagarh), Kapurthala, Nabha, Nawanagar, Palanpur, Porbandar, Rajpipla, Ratlam.

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### *Salutes of 11 Guns*

Ajaigarh, Alirajpur, Baoni, Barwani, Bijawar, Bilaspur (Kahlur), Cambay, Chamba, Charkhari, Chhatarpur, Faridkot, Gondal, Janjira, Jhabua, Maler Kotla, Mandi, Manipur, Morvi, Narsingarh, Panna, Puddukottai, Radhanpur, Rajgarh, Sailana, Samthar, Sirmur (Nahan), Sitamau, Suket, Tehri (Garhwal).

### *Salutes of 9 Guns*

Balasinor, Banganapalle, Bansda, Bariya, Chhota Udepur (Mohan), Danta, Dharampur, Dhrol, Jawhar, Khilchipur, Limbdi (Limri), Loharu, Lunawada (or Lunawara), Maihar, Mudhol, Palitana, Rajkot, Sachin, Sangli, Savantwadi, Sant, Vankaner (or Wankaner), Wadhwan.

The following States are indirectly represented in the Chamber by twelve Princes, who are elected by these groups:—

#### *States in Bombay and Madras*

*Bombay.*—Lakhtar, Sayla, Chuda, Vala, Jasdan, Manavadar, Thana-Devli, Vadia, Lathi, Muli, Bajana, Virpur, Malia, Kotda-Sangaini, Jetpur-Bilkha, Patdi, Pol, Kadana, Tharad, Bhore, Akalkot, Aundh, Phaltan, Jath, Surgana, Miraj (Senior), Miraj (Junior), Jamkhandi, Kurundwad (Senior), Ramdurg, Savanur, Bhadarwa, Wao.

*Madras.*—Sandur.

#### *States in the Punjab*

Pataudi, Kalsia, Dujana, Baghal, Baghat, Balsan, Basahar, Bhajji, Bija, Darkuti, Dhami, Jubbal, Keonthal,

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Kothar, Kumharsain, Kunihar, Mailog, Mangal, Nalagarh, Sangri, Taroch.

### *States in Bihar and Orissa*

Patna, Kalahandi, Sonpur, Bamra, Rairakhol, Gangpur, Bonai, Mayurbhanj, Keonjhar, Dhenkanal, Baud, Khandpara, Daspalla, Nayagarh, Talcher, Nilgiri, Hindol, Athmallik, Ranpur, Narsingpur, Athgarh, Pal Lahara, Baramba, Tigiria, Saraikella, Kharsawan.

### *States in the Central Provinces*

Bastar, Kanker, Surguja, Udaipur, Jashpur, Raigarh, Sarangarh, Makrai, Sakti, Kawardha, Khairagarh, Korea, Nandgaon, Chhuikhadan, Changbhakar.

### *States in Central India*

Khaniadhana, Sarila, Beri, Bihat, Garauli, Gaurihar, Banka-pahri, Bijna, Dhurwai, Tori, Fatehpur, Jigni, Lugasi, Alipura, Naigawan Rebai, Nagod, Baraundha, Jaso, Kothi, Sohawal, Bhaisaundha, Pahra, Paldeo, Taraon, Kamta Rajaula, Kurwai, Muhammadgarh, Piploda, Johat, Kathiawara, Mathwar, Ratanmal.



#### APPENDIX D

### A NOTE ON SANADS

The word Sanad, which is constantly associated with Treaties in the history of our relations with the States, needs elucidation, as various meanings are attached to it. Sanad is the Persian word for a written letter or declaration, which was used in India in regard to diplomatic exchanges between rulers. In common use it may denote any piece of writing, even a receipt for money. We use the word officially to denote a recognition of duty, an engagement of honour, or a grant of rights by the Paramount Power, although Indians have never agreed that it denotes a grant of rights. The confusion of thought arising from conflicting use was first exhibited when Lord Canning resorted to the expedient of Sanads to reassure the Princes after the Mutiny. The latter, though they stood by our side in that ordeal, were disquieted because the doctrine of "lapse" or escheat had been applied to certain States on the failure of natural heirs, the Principalities being absorbed in the East India Company's possessions.

The Indian Rulers claimed the right to adopt heirs, a custom which obtained in the civil law. With Hindus the refusal to recognize an adopted heir was an offence against religion. By ancient Hindu law, a man who has no son must adopt one, so that those filial rites may be performed which save him from age-long torments in the future life.

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The enforcement of the doctrine of lapse did not originate with Lord Dalhousie, though it was considerably extended during his Governorship. In addition to the six or seven cases usually mentioned, the salient ones being Satara, Jhansi, and Nagpur, many escheats were systematically enforced in the Cis-Sutlej region, where up to the time of the Mutiny nineteen Chiefships lapsed by the failure of direct heirs. Whether such enforcement was wise is still a matter of controversy.

Lord Canning's Sanads in 1861 were sent to 140 Rulers assuring them that in future the Government would confirm the custom of adoption on failure of natural heirs. At the time there was much uncertainty as to the position of many Rajas, or the list would have been longer. It was supplemented afterwards.

To the Princes these Sanads were our recognition of a duty; to the British Government they were an engagement of honour; and to the expositors of political theory in the new Foreign Department they became the grant of rights made by the Paramount Power.

The Sanads to Hindu rulers promised to recognize and confirm adoptions in accordance with Hindu law and customs. The Mohammedan Chiefs, with whom this was a political question only, were assured that any successions according to Mohammedan law would be upheld.

A. P. N.

## APPENDIX E

### LORD HARDINGE'S TELEGRAM TO LORD CREWE, SEPTEMBER 7, 1914

"Following is a summary of offers of service, money, etc., made in India to the Viceroy. The Rulers of the native States in India, who number nearly seven hundred in all, have with one accord rallied to the defence of the Empire and offered their personal services and the resources of their States for the war. From among the many Princes and Nobles who have volunteered for active service, the Viceroy has selected the Chiefs of Jodhpur, Bikaner, Kishengarh, Ratlam, Sachin, Patiala, Sir Pertab Singh, Regent of Jodhpur, the Heir-Apparent of Bhopal, and a brother of the Maharaja of Cooch Behar, together with other cadets of noble families. The veteran Sir Pertab would not be denied his right to serve the King-Emperor in spite of his seventy years, and his nephew the Maharaja of Jodhpur, who is but sixteen years old, goes with him.

"All these have, with the Commander-in-Chief's approval, already joined the Expeditionary Forces. The Maharaja of Gwalior and the Chiefs of Jaora and Dholpur, together with the Heir-Apparent of Palanpur, were, to their great regret, prevented from leaving their States. Twenty-seven of the larger States in India maintain Imperial Service Troops, and the services of every corps were immediately placed at the disposal of the Government of India on the outbreak of war. The Viceroy has

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accepted from twelve States contingents of cavalry, infantry, sappers and transport, besides a camel corps from Bikaner, and most of them have already embarked.

“As particular instances of generosity and eager loyalty of the Chiefs, the following may be quoted:—Various Durbars have combined together to provide a hospital ship to be called ‘The Loyalty’ for the use of the Expeditionary Forces. The Maharaja of Mysore has placed Rs. 50 lakhs at the disposal of the Government of India for expenditure in connexion with the Expeditionary Force. The Chief of Gwalior, in addition to sharing in the expenses of the hospital ship, the idea of which originated with himself and the Begum of Bhopal, has offered to place large sums of money at the disposal of the Government of India and to provide thousands of horses as remounts. From Loharu in the Punjab and Las Bela and Kalat in Baluchistan come offers of camels with drivers, to be supplied and maintained by the Chiefs and Sardars. Several chiefs have offered to raise additional troops for military service should they be required, and donations to the Indian Relief Fund have poured in from all States. The Maharaja of Rewa has offered his troops, his treasury, and even his private jewellery for the service of the King-Emperor. In addition to contributions to the Indian Fund, some Chiefs—namely, those of Kashmir, Bundi, Orchha, Gwalior and Indore—have also given large sums to the Prince of Wales’ Fund. The Maharaja of Kashmir, not content with subscribing himself to the Indian Fund, presided at a meeting of 20,000 people held recently at Srinagar and delivered a stirring speech, in response to which large subscriptions were collected.

“Maharaja Holkar offers, free of charge, all horses in his State Army which may be suitable for Government

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purposes. Horses have also been offered by Nizam's Government, by Jamnagar, and other Bombay States. Every Chief in the Bombay Presidency has placed the resources of his State at the disposal of Government, and all have made contributions to the Relief Fund. Loyal messages and offers have also been received from the Mehtar of Chitral and tribes of the Khyber Agency as well as the Khyber Rifles. Letters have been received from the most remote States in India, all marked by deep sincerity of desire to render some assistance, however humble, to the British Government in its hour of need.

"Last, but not least, from beyond the borders of India have been received generous offers of assistance from the Nepal Durbar; the military resources of the State have been placed at the disposal of the British Government and the Prime Minister has offered a sum of three lakhs of rupees to the Viceroy for the purchase of machine guns or field equipment for British Gurkha Regiments proceeding overseas, in addition to large donations from his private purse to the Prince of Wales' Fund and the Imperial Indian Relief Fund. To the 4th Gurkha Rifles, of which the Prime Minister is Honorary Colonel, the Prime Minister has offered Rs. 30,000 for the purchase of machine guns in the event of their going on service. The Dalai Lama of Tibet has offered 1,000 Tibetan troops for service under the British Government. His Holiness also states that Lamas innumerable throughout the length and breadth of Tibet are offering prayers for success of British Army and for happiness of souls of all victims of war.

"The same spirit has prevailed throughout British India. Hundreds of telegrams and letters have been received by Viceroy expressing loyalty and desire to

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serve Government either in the field or by co-operation in India. Many hundreds have also been received by local administrations. They come from communities and associations, religious, political and social, of all classes and creeds, also from individuals offering their resources or asking for opportunity to prove loyalty by personal service. The following may be mentioned as typical examples:—The All India Moslem League, the Bengal Presidency Moslem League, the Moslem Association of Rangoon, the Trustees of the Aligarh College, the Behar Provincial Moslem League, the Central National Mohammedan Association of Calcutta, the Khoja Community and other followers of Aga Khan, the Punjab Moslem League, the Mohammedans of Eastern Bengal, the Citizens of Calcutta, Madras, Rangoon and many other cities, the Behar Landholders' Association, the Madras Provincial Congress Committee, the Taluqdars of Oudh, the Punjab Chiefs' Association, the United Provinces Provincial Congress Committee, the Hindus of the Punjab, the Khalsa Diwan representing orthodox Sikhs, the Bohra Community, and the Parsee Community of Bombay.

“The Delhi Medical Association offer the field hospital that was sent to Turkey during the Balkan War; Bengalee students offer enthusiastic services for an ambulance corps, and there were many other offers of medical aid. The Zemindars of Madras have offered 500 horses, and among other practical steps taken to assist Government may be noted the holding of meetings to allay panic, keep down prices, and maintain public confidence and credit. Generous contributions have poured in from all quarters to Imperial Indian Relief Fund.”

In presenting the above statement to Parliament, Lord

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Crewe said that similar offers had reached the Secretary of State from Chiefs who happened to be in Europe. The Gaikwar of Baroda and the Maharaja of Bharatpur, to mention two only, had placed the whole resources of their States at the disposal of His Majesty's Government. The Indian community in England, including the Indian students, had made loyal offers of services. The Aga Khan also offered all his resources and to serve in the ranks of any Indian regiment. It should be added that during the war the Indian regular army recruited over 100,000 soldiers who were subjects of Indian States.

The following note, from Mr. E. A. Horne's *Political System of British India*, provides a sequel:—

"India's total contribution in man-power, for the whole period of the War, was 1,457,000, of whom 552,000 combatants and 391,000 non-combatants (including men in the Labour Corps) served overseas.

"In the supply of war material of many kinds, India rendered timely and valuable services; and her financial contribution, relatively to her resources, was a generous one. The normal annual expenditure on the army in India, according to the pre-War standard, amounted to £20,000,000. Besides providing, as usual, for this normal expenditure, India also paid the ordinary charges of Indian units serving abroad; the full cost of operations in the various theatres of war in which Indian troops were engaged, apart from this special contribution, being met by the British exchequer, which further made itself responsible for the cost of raising in India and maintaining additional troops.

"Adding a later contribution which amounted eventually to some £14,000,000, made with the express approval of the non-official members of the Indian Legis-

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lative Council in 1918, India was involved in extra military expenditure, first and last, amounting to £40,000,000. India's main financial contribution, however, has yet to be mentioned. This was made in 1917, when the Government of India assumed responsibility for £100,000,000 of War debt. A great part of this sum was raised by means of War Loans in India; and the whole of the interest and sinking fund charges, amounting to £6,000,000 annually, are met out of Indian revenues."



APPENDIX F

PRINCIPLES TO BE OBSERVED DURING  
MINORITY ADMINISTRATIONS IN  
NATIVE STATES

GOVERNMENT OF INDIA

FOREIGN AND POLITICAL DEPARTMENT

RESOLUTION No. 1894—I. A

*Simla, August 27, 1917*

The Government of India have for some time past devoted special consideration to the question of the principles which should be observed in connection with the administration of a Native State during a minority. The opinions of certain Ruling Princes and Chiefs and of Political Officers were obtained by the Government of India during Lord Hardinge's Viceroyalty and the question in some of its aspects came under discussion at the Conference of Ruling Princes and Chiefs recently held at Delhi. The Governor-General in Council after full consideration of the views elicited, has, with the approval of the Secretary of State, decided that the policy of Government in the matter may appropriately be stated as follows :—

The Government of India recognize that they are the trustees and custodians of the rights, interests and traditions of Native States during a minority administration. Their general policy is laid down in the following extract from certain orders, which were issued some years ago for the guidance of Political Officers:—

“The Governor-General in Council is opposed to anything like pressure on Durbars to introduce British methods of administration. He prefers that reforms should emanate from the Durbar, and grow up in harmony with the traditions of the State. Administrative efficiency is at no time the only or indeed

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the chief object to be kept in view. This should specially be borne in mind by officers charged temporarily with the administration of a State during a minority, whether they are in sole charge, or associated with a State Council. They occupy a position of peculiar trust, and should never forget that their primary duty is the *conservation* of the customs of the State. Abuses and corruption should be corrected as far as possible, but the general system of administration to which the Chief and the people have become accustomed should be unchanged in all essentials. The methods sanctioned by tradition in States are generally well adapted to the needs and relations of the Ruler and people. The loyalty of the latter to the former is generally a personal loyalty, which administrative efficiency, if carried out on lines unsuited to local conditions, would lessen or impair."

The Government of India realise that the special conditions of each State require special treatment and will be glad to receive and consider requests by individual Ruling Princes or Chiefs regarding any principles which they may wish to be adopted in the case of their own State or families. Due weight will be attached to wishes so expressed or to any written or verbal instructions left on record, but the Government of India on whom the final responsibility rests must reserve to themselves full freedom of action in dealing with such requests or instructions. Subject to the foregoing observations the Governor-General in Council is pleased to lay down the following general principles for the conduct of minority administrations. The announcement is subject to the reservation that the principles laid down will be liable to relaxation in individual cases where special conditions may render their strict application inappropriate:—

### *Principles to be Observed during Minority Administrations*

(1) The administration of a State during a minority should ordinarily be entrusted to a Council. In cases where the appointment of a Regent is in accordance with the custom of the State and a suitable person is available for nomination as Regent the Council should be styled a "Council of Regency", and should consist of three to five Indian Members under the presidency of the Regent. The Regent may be either a legitimate mother

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or widow or a near male relative of the late Ruler, provided that the latter was in the full confidence of the late Ruler, at the time of his demise. Where no Regent is available, the Council should be styled a "Council of Administration", and should consist of three to five Indian Members presided over by an Indian administrator of proved experience of Indian States.

In the selection of the Councillors, local talent should be utilized to the utmost possible extent—preference being always given to persons with vested interests in the State so long as they possess the requisite qualifications.

Where local conditions appear to render it impossible for a Council to administer the State successfully, an officer borrowed from Government service may be appointed as Superintendent or Administrator of the State.

Where expressly desired by the late Ruler the minority administration should in important matters consult with Ruling Princes or Chiefs nominated by him for this purpose.

(2) Old traditions and customs of the State should be scrupulously observed and maintained.

(The word "customs" includes, among other things:—

- (a) the payment to the minor Prince or Chief and to members of his family, on all occasions, of due consideration by all officers serving in the State;
- (b) the maintenance of the dignity of the minor Prince or Chief by the strict observance of the customary ceremonial honours and courtesies due to him by officers of the Imperial Government and by other Rulers; and
- (c) the performance on due date of religious ceremonies, festivals, and social observances, including the exchange of presents with other States.)

(3) The regulations and records embodying the established policy of the State should be carefully studied. Except in the case of obvious and unmistakable abuses, radical changes (such as important constitutional reforms, alteration of the Court language or of the postal, taxation, or currency systems, etc.) should, as a general rule, be avoided. Any new measures adopted should, so far as circumstances permit, be grafted on and assimilated to existing institutions in the State, and should be so designed,

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introduced and carried into effect, that they can be continued by the regular administration after the termination of the minority. Where any radical change, or any important measure, which is contrary to the express wishes or policy of the late Ruler, is proposed, the matter should be referred with full particulars to the Government of India for decision.

(4) For appointments to the State service local talent should be used wherever possible. Where local talent is not available, outsiders may be imported for special purposes, but these should be strictly required to conform to local conditions and customs and to show due respect to the members of the Ruling family. When the services of outsiders are engaged, their deputation should ordinarily be liable to termination at the discretion of the Ruler after he receives his powers. Persons who are known to have been disloyal or obnoxious to the late Ruler or his family should not be appointed to State service during a minority.

(5) Treaty rights should be strictly upheld and measures involving any modification of existing treaties and engagements should be avoided. No alteration should be made affecting the recognized political status of fiefs under the suzerainty of a Durbar or their customary relations with the Ruler and his State.

(6) No jagirs or hereditary or personal honours and distinctions should be granted or promised on behalf of the State during the minority, nor should such jagirs, honours, etc., be confiscated except for disloyalty or gross misconduct. Customary jagirs, and maintenance allowances granted by the late Ruler to members of the Ruling family and others should ordinarily be maintained, and no increase or decrease or new grant should be allowed except for special reasons and with the sanction of the Government of India or other political authority to whom this power may be delegated; such sanction would apply only to the period of the minority.

(7) Interference with the private property, estates, or establishments of members of the Ruling family should be avoided, and the customary and reasonable presents, easements, etc., to them and their dependents, should not ordinarily be curtailed.

(8) In States where a distinction is made between State and Privy Purse funds, the fixed Privy Purse allowance, if on a reason-

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able scale, should be paid by the State without reduction to the minor Ruler and kept in trust for him, together with the private property bequeathed to him by the late Ruler, until he attains majority. Expenditure from Privy Purse funds should be limited to the usual and customary items of expenditure.

(9) The sale of State jewellery during a minority should ordinarily be avoided. If such is found absolutely necessary to meet debts, great care should be taken in the selection of the articles to be sold, and the wishes of members of the Ruler's family should be consulted and respected. Proposals for such sales should be referred to Government and their sanction obtained before the proposal is carried out.

(10) No State territory or other immovable property should be exchanged, ceded, or sold during a minority.

(11) No permanent rights or privileges should be granted by the minority administration to jagirdars, officials or subjects of the State.

(12) No permanent or long-term commercial concessions or monopolies should ordinarily be granted to individuals or companies. It should, however, be borne in mind that neither individuals nor companies would be willing to sink any considerable capital sum in undertakings for short periods, and in each case, therefore, the rule must be applied cautiously with regard to the best interests of the State concerned, in order that the development of important and valuable industries may not be hindered.

(13) Expenditure on new palaces intended for a Ruler's own use should be avoided. Outlay on public works generally should be undertaken with due regard to economy and limited to necessary works. The expenditure should be so regulated as to come within the ordinary income of the year and to leave a substantial annual balance. Expenditure from surplus and reserve funds should be limited to really productive or protective works and should not be undertaken without careful examination and expert advice.

(14) Communication with the ladies of the palace should be conducted according to the custom of the State. Palace arrangements existing in the time of the late Ruler should not ordinarily be altered, and nothing should be done contrary to zenana etiquette and custom.

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(15) The education and training of the young Ruler should be conducted on the lines laid down in the report of the Committee convened to consider the matter. As a general rule it is preferable that he should receive his education in India rather than in Europe.

(16) Care should be taken to maintain shooting preserves and the existing establishment for their maintenance, where such exists. Shooting rules and restrictions observed in the time of the late Ruler should be strictly enforced.

(17) The Political Officer is answerable to the Government of India for the maintenance of these principles. The degree of supervision to be exercised by him will depend on the circumstances of each particular case.

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Ordered that the Resolution be communicated to all Local Governments and Administrations [omitting Burma, North-West Frontier Province, Baluchistan and Nepal] and to Political Officers in India, for information and guidance.

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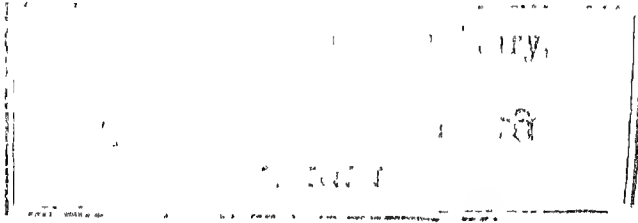
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